

BRECKLAND COUNCIL - PLANNING COMMITTEE - 31st July 2017

Item No.	Applicant	Parish	Reference No.
1	Gladman Developments Ltd	MATTISHALL	3PL/2015/0498/O
2	Beres Development Ltd	WRETHAM	3PL/2016/0939/VAR
3	Orbit Homes (2020) Limited	DEREHAM	3PL/2016/1397/F
4	Greatbrisk Ltd.	HOCKERING	3PL/2016/1262/O
5	Mr & Mrs K Annison	BESTHORPE	3PL/2016/1393/F
6	S & A Jones Developments Ltd	WATTON	3PL/2016/1539/F
7	Hill House Commercial Property	HOCKERING	3PL/2016/1552/F
8	Property 192	BAWDESWELL	3PL/2017/0035/F
9	Mr Graham Tweed	SAHAM TONEY	3PL/2017/0270/O
10	Breckland Bridge	ATTLEBOROUGH	3PL/2017/0342/F
11	Mr Mathew Barker	HARLING	3PL/2017/0388/F
12	Mr John Newton	WHISSONSETT	3PL/2017/0433/O
13	Mauleys Farm	HARLING	3PL/2017/0491/O
14	Mr Cameron Starling	COLKIRK	3PL/2017/0535/O
15	Mr & Mrs Thomas	GREAT ELLINGHAM	3PL/2017/0556/F
16	Trustees of the GR Scott Will	DEREHAM	3PL/2017/0563/O
17	D J Thompson & Sons	BESTHORPE	3PL/2017/0593/F
18	Mr & Mrs J Spalding	ASHILL	3PL/2017/0597/F
19	Breckland Council	SWAFFHAM	3PL/2017/0598/CU
20	Monk Plant Hire Ltd.	HOCKERING	3PL/2017/0600/O
21	Mr J Lawn	ATTLEBOROUGH	3PL/2017/0620/F

ITEM: 1	RECOMMENDATION: APPROVAL
REF NO: 3PL/2015/0498/O	CASE OFFICER Chris Hobson
LOCATION: MATTISHALL Land south of Dereham Road	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Gladman Developments Ltd Alexandria Way Congleton Business	
AGENT: Gladman Developments Ltd Alexandria Way Congleton Business	
PROPOSAL: Erection of up to 50 residential dwellings with associated infrastructure	

DEFERRED REASON

1.Members will recall that the application was deferred at the Planning Committee on the 12th June 2017 in order for a site visit to be carried out which takes place on the 20th July 2017.

Additional consultation responses received:

2.Historic Environment Service (NCC) - no objections subject to conditions.

3.Architectural Liaison Officer - The layout is encouraging and make the following recommendations. The allotments should include suitable security measures. The allotment parking should be located to have natural surveillance, be enclosed with lockable gates, lighting and low level planting around perimeter. The attenuation basin should be appropriately be enclosed, with low level defensive planting, and signage be provided around its perimeter. The play space should be appropriately fenced and gated.

Additional comments received:

4.The Council has received 2 additional representations which raise the following concerns and objections:

- A new estate of 50 dwellings would be out of keeping with Mattishall.
- Location on western edge of village is wrong and significant distance from village facilities.
- Proposals would result in large amounts of traffic and increased vehicle congestion.
- Impact on the villages infrastructure.
- Loss of hedgerow and wildlife habitat.

Five Year Supply

Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits

provided in relation to the sustainable development tests as set out in the NPPF.

REASON FOR COMMITTEE CONSIDERATION

This application is referred to Planning Committee as it is contrary to the development plan and raises issues of significant local concern.

KEY ISSUES

It is noted that there has been a significant amount of objections to the proposal from local residents raising a number of issues. The Parish Council also objects to the development of the site. Taking these comments into account, the main issues that need to be considered are:

Development plan and material considerations
Principle of development and deliverability
Access & highway impact
Ecology
Impact on the landscape character and appearance of the area
Amenity
Drainage & flood risk
Affordable housing, viability and deliverability

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for up to 50 dwellings and associated works, with all matters save for access being reserved. The proposal comprises the following:

- Vehicular and pedestrian access off Dereham Road, (revised from previous proposal)
- Proposed new Public Right of Way leading through the site from Dereham Road out in to the open countryside to the south;
- 50 dwellings (40% affordable housing, 20 dwellings)
- Community allotments and orchard;
- New structural landscaping including trees and vegetation

The application has been amended from the originally submitted scheme of up to 65 dwellings to address the issues raised by the Planning Inspectorate in dismissing an appeal for up to 90 dwellings on the application site, planning reference 3PL/2014/1143/O.

SITE AND LOCATION

The application site comprises 3.2 hectares of arable farmland at the western edge of the village. The site is bounded by Dereham Road to the north and Old Hall Road to the west. Existing residential dwellings front onto Dereham Road opposite the site and to the east is Rayners Farm and its associated fields and buildings. To the south is open countryside. The perimeter of the site is mainly comprised of field hedging and trees and wet ditches. It is an open field and is relatively flat, although there is a gentle fall towards Dereham Road. The existing dwellings on the north side of Dereham Road are a mix of two storey and single storey, the majority of which having been built within the last 30-40 years. Planning permission for three dwellings on an adjoining site to the west of the site has recently been granted and are currently being

constructed.

The site is wholly outside the settlement boundary, the edge of which is approximately 200 metres to the east. Mattishall itself is approximately four miles to the east of Dereham and 13 miles west of Norwich.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2014/1143/O - Outline application for 90 dwellings - Refused January 2015. Currently subject of an appeal. Dismissed. Inspectors conclusion below:

"The implications of flooding for possible development are unresolved and until such time as the accompanying risks and necessary mitigation are fully modelled, the development capacity of the site remains an open question. The implications are not a subsequent detail remaining to be resolved. Rather, the implications of flooding will significantly shape and inform the reserved matters, particularly layout, scale and landscaping. They would also influence the eventual density of development.

The Development Framework Plan indicates housing within the areas of greatest risk of surface water flooding, and within the lower lying part of the site to the north-west, and the available development land is finite. If this area of built development were to be displaced, it would have implications for layout and physical form elsewhere. The DFP indicates a filtered edge to the site linking to adjacent open countryside to the south. This would be a very necessary feature of the scheme and would take the form of public open space, allotments and a community orchard. Given an undoubted need to retain such a relationship to adjacent land to the south, displacement could, in turn, have implications not just for layout of the built area but also for the overall scale of built development which could be accommodated within the site. A similar implication would also arise in relation to possible re-location of the proposed water retention facilities from the northern side of the site.

Similarly, the overall design approach indicated by the DFP involving a strong built frontage to Dereham Road is also open to some question. If the main frontage to Dereham Road is not to accommodate built form, this would have the benefit of removing a potentially hard urban edge to the development in views south, but it would similarly reduce the available space for built form.

Aside from matters of character and appearance, the dispute between the parties relates to the possible implications for such development of potential flooding and more particularly, whether that matter should be resolved in advance of any decision to grant planning permission. The appellant contends the matter can be deferred for later submission, whilst the Council maintains the significance of the issue to be such that it requires address at the outset.

I recognise that the process of seeking outline planning permission is about first seeking to establish principles of development in order to allow other more detailed matters to follow. I also accept that any satisfactory scale of development would, in its literal interpretation, meet the terms of 'up to' 90 or of 'up to' 65 dwellings as appropriate. Such terms do, however, expressly define an upper threshold of development. Any subsequent permission would carry with it an acceptance that particular number of dwellings might be accommodated and to which formulation of the subsequent reserved matters would inevitably be directed. From the evidence before me, I am not satisfied that a threshold of either 90 or 65 dwellings would be

acceptable in planning terms.

The advice of the Framework is that decision-making should be pro-active and that conditions should be used to make unacceptable development acceptable. The Framework and Guidance are also clear as to the tests of appropriate conditions and I consider it would be unreasonable to condition the scale of a development as part of a permission in the absence of knowing whether such development could be physically accommodated in the first place.

I do not regard outstanding questions relating to flooding and associated matters as a secondary, incidental consideration but as a primary determinant of the scale and form of any future satisfactory development of the site. It also follows that, although the Council's decision identified concerns around density, a meaningful and realistic assessment of the density of any scheme can only be made once a developable area of land has been identified.

Whilst I have no doubt as to the appellant's commitment to fully and appropriately address such matters, the full extent of the risk remains undefined at this time and I am unable to reasonably conclude the implications for any future development of the site. In particular, from the evidence before me, I am unable to reconcile what amount and form of development is likely to be acceptable relative to the serious constraints to development arising from flooding and associated matters and whether such a scheme would be consistent with the descriptions of development as proposed.

Whilst not forming part of the Council's reasons for refusing planning permission, the subsequent evidence of the LLFA and of interested third parties clearly demonstrates the significant unresolved harm which accompanies the application as submitted. The application in its current form carries too much uncertainty and too much accompanying risk for such a scheme as proposed to be regarded as a sustainable development compliant with the terms of the Framework. Furthermore and in any event, my assessment is that the seriousness of the unresolved flooding issue is such that the adverse impacts of the scheme significantly and demonstrably out-weigh the benefits.

At the heart of the Framework is a presumption in favour of sustainable development. I find the proposed scheme would fail to comply with that expectation having regard to the development plan and to the Framework as a whole and that a refusal of planning permission would accord with section 38(6) of the Planning and Compulsory purchase Act 2004 and with paragraph 12 of the Framework."

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.04	Affordable Housing Principles
DC.11	Open Space

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DC.13	Flood Risk
DC.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment
NP	Neighbourhood Plan
NPPF	With particular regard to paras. 8, 14, 32, 47, 49, 128, 141, 143
SS1	Spatial Strategy

Mattishall Neighbourhood Plan 2017-2036 and Examiners Report May 2017

Policy ENV1 Conservation Areas and Heritage

Policy ENV2 Important Views and Vistas

Policy ENV3 Trees, Hedgerows and boundaries

Policy ENV5 Distinct Villages

Policy ENV6 Tranquillity and dark skies

Policy ENV7 Protecting and enhancing the local environment

Policy ENV8 Walking, cycling and horse riding

Policy ENV9 Flood risk and drainage

Policy HOU1 Size of individual developments

Policy HOU2 Phasing of development

Policy HOU3 Housing types

Policy HOU4 Affordable Housing

Policy HOU5 Village Character

Policy HOU6 High quality and energy efficiency

Policy HOU7 Building for life

Policy HOU9 Parking spaces for new properties

Policy TRA1 Safe and sustainable transport

National Planning Policy Framework (NPPF)

With particular regard to paras 11 - 14, 17, 32, 34, 35, 47, 49, 58, 63 - 65, 93-96, 100 - 103, 109 203 - 206 & 215.

NPPG National Planning Practice Guidance

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990

OBLIGATIONS/CIL

Any permission granted would be subject to a S106 Legal Agreement. This would require the following obligations:

Education contribution towards provision of sixth form, and primary education facilities;

Library contribution - £3,750 (equivalent to £75 per dwelling);

Provision of 40% affordable dwellings, (20 dwellings), including an appropriate housing mix;

On-site public open space, including childrens play facilities, allotments, orchard

Off-site highway works

CONSULTATIONS

MATTISHALL P C

Object to the application for the following reasons:

1. Mattishall is a service centre village and not allocated significant growth.
2. There are significant objections locally.
3. The proposed development would be contrary to localism act.
4. A neighbourhood plan is being produced.
5. The site is located outside the settlement boundary.
6. There are significant infrastructure issues locally, in particular inadequate highway infrastructure resulting in reduced safety, congestion and traffic concerns.
7. Inadequate foul and surface water drainage infrastructure resulting in increased flooding.
8. Increased demand on health and education services.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to conditions.

Comments on amended scheme:

Comments remain as originally stated, no objections subject to conditions.

NHS ENGLAND MIDLANDS & EAST (EAST)

No objections subject to a financial contribution to mitigate for additional demand in the local area.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to conditions.

HOUSING ENABLING OFFICER

No objections subject to the provision of 40% affordable housing, and provision of affordable housing mix of 65% affordable rent and 35% shared ownership/equity.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objections subject to conditions.

Comments on amended scheme:

Comments remain broadly similar to those previously given but note that the ecological data is now almost 3 years old. Therefore, in addition to the requirements for conditions to be included covering working methods, restriction clearance works, we would also recommend that the applicant is required to provide an update to the ecology work prior to construction. This should describe any changes in the ecological situation that may have occurred, and detail any impacts on the development that might arise from the changes. Appropriate mitigation should be included.

ENVIRONMENTAL HEALTH OFFICERS

No objection, subject to conditions.

CONTAMINATED LAND OFFICER

No objection, subject to site investigation survey.

AIR QUALITY OFFICER

No objection.

KEN HAWKINS, THE RAMBLERS

No objections subject to conditions.

NATURAL ENGLAND

No objection.

SPORT ENGLAND

No comments made.

NORFOLK COUNTY COUNCIL - MINERAL & WASTE POLICY

No objection, subject to a condition regarding mineral safeguarding.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

No objections, although note that the proposed play space should be located more centrally.

BRECKLAND ASTRONOMICAL SOCIETY

Object to the proposed development.

FLOOD & WATER MANAGEMENT TEAM

The LLFA comment that whilst the principle of development at this location may be acceptable, they have concerns about whether 65 houses and associated infrastructure is achievable within the development site based on the information submitted by the applicant. Consequently the LLFA object to the development, unless the applicant either provides a new layout plan to show all development outside the areas at risk of flooding as shown on the 1 in 100 year surface water flood map, i.e. the low lying parts of the site), or provide a significant amount of information to demonstrate how the development for 65 houses could take place without being at risk of flooding or increase the risk flooding elsewhere.

Comments on updated information and revised scheme:

The LLFA's previous objection was based on the lack of information regarding the risk to the development from flooding originating off site and the ability of the development to attenuate additional runoff up until the 1 in 100 plus climate change event due to loss of storage. The hydraulic modelling mentioned above confirmed that subject to the installation of a perimeter drain to prevent surface water encroaching north there is suitable flood free land in a 1 in 100 year plus climate change event available for development. Please note it was also important for the modelling to confirm that there was not additional flood risk to adjacent properties as a result of any mitigation proposed to enable the flood free land for the housing and attenuation requirements. We are therefore able to remove our objection subject to conditions being attached to any consent if this application is approved.

FLOOD & WATER MANAGEMENT TEAM

Comments awaited and to be reported.

ENVIRONMENTAL PLANNING

No Comments Received

PUBLIC RIGHTS OF WAY OFFICER

No Comments Received

HISTORIC ENVIRONMENT SERVICE - No objections.

NORFOLK RIVERS IDB - The development will increase the rate and/or volume of water being discharged (compared to the status quo) into the River Tud, an application will therefore need to be made to the Board seeking consent under the terms of its Byelaw 3. Request the applicant confirm that the downstream drainage network has been assessed and is capable of receiving the flows proposed from the development.

OFFICER'S NOTE: The LLFA have raised no objections to the proposals and note that the flows from the

developed site would be less than the existing greenfield run off rate. The LLFA also note that there are suitable connections into the surrounding watercourses.

REPRESENTATIONS

Over 100 letters of objection have been received to the originally submitted scheme from local residents raising the following main points of concern:

- Development not sustainable
- Drainage would not be able to cope
- Increased demand on already stretched facilities, including the school and the surgery
- Infrastructure will not be able to cope
- Additional traffic would add to an already congested road
- Not the right location for development
- Housing not needed
- Development of this size would be detrimental to the quality of life of the village
- Flood risk, (site already floods)
- Development is high density outside the settlement boundary
- School is already over-subscribed
- Impact on local wildlife
- Highway safety
- Dereham Road is not cycle friendly. Most people will use their car.
- The development will create a suburb not the rural village it is now
- Will de-value property
- Existing sewerage problems
- Occupants of the housing would not be part of the village
- Little employment in mattishall relative to its population.

(Note: The above is only a representation of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Over 60 further representations have been received raising objections to the amended application. The objections raised highlight the same matters as set out above and highlight that these remain relevant to the amended scheme being proposed.

Clr Dimoglou has raised the following objections to the proposed development:

- the application has previously been dismissed by the Planning Inspectorate and subject to a large number of objections.

ASSESSMENT NOTES

1.0 This application is referred to Planning Committee as it is contrary to the development plan and raises issues of significant local concern.

2.0 Development plan and material considerations

2.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act

2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

2.2 Two recent appeal decisions have made reference to the Local Planning Authority not being able to robustly demonstrate that it has a five year housing land supply. These appeal decisions are material planning considerations in the determination of this application. The inspector at a hearing appeal stated that the most appropriate vehicle for determining strategic housing land supply issues such as evidence base, the Liverpool v Sedgefield method for calculating five year supply and the Objectively Assessed Housing Need, (OAN), is during an examination of a Local Plan. As set out in Section 38(6) of the Planning and Compulsory Purchase Act, (2004) and the NPPF, the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Following on from this, paragraph 30 of the national Planning Practice Guidance, (PPG), the starting point for calculating a five year land supply, states:

2.3 "Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs.

2.4 Where evidence in Local Plans **has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered".**

2.5 In the most recent appeal the Inspector stated that **'the RSS based target, as set out in the adopted Core Strategy now significantly predates the emerging OAN approach advocated by the Council and that the OAN approach has been accepted by other Inspectors. I am also mindful that the emerging plan is still at a very early stage and to reach a conclusion on whether Liverpool or Sedgefield is most appropriate in this case would require me to make early assumptions in relation to the timescale for the longer term delivery of Strategic Urban Allocations, which I am reluctant to do'.**

2.6 It is the Council's opinion that the Central Norfolk Strategic Housing Market Assessment (2015), the Council's latest assessment of housing need, is a material planning consideration, which clearly sets out the position with regards to these matters and is an up to date assessment which should be afforded maximum weight. This document sets out that using the OAN and either methodology for calculating five year supply the Council can demonstrate a five year supply of housing land.

2.7 The inspector did state that the decision of which method to apply does relate to assumptions regarding the timescales for the delivery of the Sustainable Urban Extensions, (SUEs). Work is continuing between the local authority and developers of the SUEs to reflect their future projections. These will be used in any update to the to the five year supply position.

2.8 Finally, the Inspector stated that she "could not confidently conclude that a five year supply has been demonstrated" and decided to apply "substantial weight" to the contribution that the proposal would make to 'housing supply'. Based on the information and evidence as set out above, at this time, the Council does consider it can robustly demonstrate a five year land supply and due weight can be given to relevant policies for the supply of housing, which can be considered up-to-date. On this basis the recent appeals should only be afforded limited weight.

2.9 It is noted that the application site has been included as a preferred site allocation for housing development within the Council's Preferred Site Options, (September 2016), consultation document prepared as part of the emerging Breckland Local Plan. It is considered that as this has not been submitted or been subject to examination only limited weight can be given to this document.

2.10 It is acknowledged that the Mattishall Neighbourhood Plan is now at an advanced stage having undergone formal consultation and examination following which a report has been issued by an independent Inspector. Therefore, in accordance with the neighbourhood Planning Act 2017, whilst regard has been had to the post examination plan it is considered that the plan and its policies as recommended by the examiner can only be given limited weight as it has not yet been to referendum and been adopted.

2.11 The appeal decision relating to the dismissal of an appeal against refusal of outline permission for up to 90 dwellings (reference 3PL/2014/1143/O) is clearly also an important material consideration which will be discussed in further detail in the respective sections of the report.

3.0 Principle of development and deliverability

3.1 The site is located outside the settlement boundaries in an area of open countryside on the edge of Mattishall, (as defined by policies SS1, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The proposed development would therefore conflict with the objectives of policies CP01, CP14 and DC02 of the development plan.

3.2 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

3.3 Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three dimensions is required. In order to promote sustainable development in rural areas, the NPPF also indicates that housing should be located where it will enhance or maintain the vitality of local communities.

3.4 In terms of economic and social sustainability, the Core Strategy classifies Mattishall as a Local Service Centre Village in the Settlement Hierarchy, (Policy SS1); as such it is defined as containing adequate services and facilities to meet the requirement of their existing residents. Policy SS1 outlines the strategy for Local Service Centre Villages, which will be primarily be around service protection and enhancement and development to meet local needs. The Site Specific Policies and Proposals DPD allocates land to meet the housing requirements of the Core Strategy. The Plan does not allocate any sites for development in or around Mattishall, however a total of 2,716 dwellings were required to be delivered across 'all other parishes', which could include Mattishall.

3.5 The applicants' own assessment of existing local facilities within the village identifies the following:

- a primary school, (0.7 miles away from the site)
- a secondary school, (3 miles away from the site)
- Rashes Green employment area, (4.2 miles away from the site)
- Mattishall Post Office, (0.8 miles away from the site)
- Butchers, newsagent, PH and fish & chip shop, (0.8 miles away from the site)
- Doctors surgery, (0.8 miles away from the site)
- Hospital, (4.2 miles away from the site, in Dereham)

3.6 Although not ideally located in terms of access to facilities, it is acknowledged that any site on the edge of a settlement will almost always have some shortcomings, in respect of proximity to facilities which are more centrally located. Taking into account the site's proximity to services and facilities, the site is acknowledged to be in a location which is both sustainable and suitable for housing development, hence it's allocation as a preferred site in the 'Preferred Site Options and Settlement Boundaries' consultation document, (September 2016).

3.7 Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site, within the next five years. The applicant has indicated that all 50 dwellings could be delivered in three years, following the approval of all relevant reserved matters and conditions. However, reserved matters would not be submitted until the site has been marketed and sold to a developer. The issue of viability is discussed later in this report.

4.0 Impact on the landscape character and appearance of the area

4.1 One of the core planning principles listed in the NPPF says that planning should 'take account of the different role and character of different areas, and this includes recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it' (paragraph 17).

4.2 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local

distinctiveness.

4.3 Clearly, the proposal would represent a significant change in the nature and appearance of the site and the assessment to be made is whether the impact on the land would be significantly harmful to the local area. Whilst acknowledging that this application has been amended to reduce the level of development from 65 dwellings to 50 dwellings, the number of dwellings proposed and the layout of the development would still result in the introduction of a significant amount of built form on to what is an open piece of land. The density of the proposed development would be approximately 16 dwellings per hectare (dph) across the whole site and a density of 24 dph across the built part of the site. Although still higher than the density of the dwellings to the north of Dereham Road this would reflect and be in keeping with the density of existing development to the east of the site and accord with the requirements of policy DC2 of the Core strategy which sets an appropriate density of approximately 22 - 30 dph for such locations. The submitted development framework plan also allows for public open space, allotments, orchard and attenuation basins to provide a soft edge to the site as it abuts the open countryside immediately to the south and west.

4.4 A Landscape and Visual Impact Assessment, (LVIA), has been submitted with the application but it is not accompanied by any photomontages or street scene views to show how the development would be viewed within its surroundings. Furthermore, as the application is in outline only, matters of detailed layout, design, scale and appearance are not for consideration at this stage. Nevertheless, it is noted that there will be a change in the quality of views looking south from Dereham Road and looking east from Old Hall Road, and as noted by the Inspector in dismissing the previous appeal the contribution of the site to the open rural setting of this part of the village would be lost. The views from the footpath to the south of the site must also be taken into consideration. However, given that there is already a backdrop of existing development when viewed from this footpath, the proposed dwellings would not have a significant detrimental impact on the landscape quality. Notwithstanding the earlier mentioned shortcomings of the LVIA, its conclusions, that the impact on landscape character would be localised and would not significantly harm the wider landscape setting beyond Mattishall are accepted.

4.5 A development of 50 dwellings would mark a departure from the existing open character and appearance of the site, and as noted by the Inspector in the previous appeal decision a proposal would result in the intrusion of built form into the open countryside conflicting with the environmental dimension of sustainable development and the aspirations in the NPPF to recognise the intrinsic character and beauty of the countryside. There would also be conflict with policies DC2 and CP11 of the Core Strategy.

4.6 With respect to the policies ENV2 ENV5 and, HOU1, in the Mattishall Neighbourhood Plan and Examiners Report, a carefully designed scheme of 50 dwellings that includes the provision of public open space, orchard and allotments to the southern boundary would provide a soft edge to the development as it abuts the open countryside to the south, and retains an open gap to Old Hall Road to the west is unlikely to have a significantly harmful urbanising effect on the village or result in coalescence with surrounding settlements. Appropriate landscaping and a density of development along the frontage of the site that takes account of the low densities and scale of development adjoining the site will further help to mitigate the impact of the development.

5.0 Access and highway impact

5.1 Vehicular access to the site is proposed via a single priority junction off Dereham Road. This access point is located within the 30 mph speed limit zone. The access arrangement has been amended following the refusal of the previous scheme and a mitigation package addresses the transport impacts of the development. This package includes:

- Extending the 30mph speed limit to the west to make sure the site access is well within the speed limit area.
- The provision of a traffic calming feature to the east of the site entrance which also provides an uncontrolled pedestrian crossing, to give safe access to the footway on the northside of the carriageway for the walk to school route.
- The provision of a footway along the site frontage to link up to the footway at the bus stop near Rayners Way.
- The provision of a footway on the south side of Dereham Road to provide the missing section from the Primary School entrance westwards to the Church.
- Bus stops close to the site will be provided with shelters.

5.2 From the comments received from local residents and the Parish Council, it is clear that there is considerable unease about the level of development proposed at the edge of the village, which it is considered would lead to a significant increase in traffic heading in and out of the village to other centres of work. Concern has also been expressed about the fact that Mattishall is already used as a rat run to avoid the A47, particularly if this road is blocked and that to add further traffic would be unsustainable.

5.3 However, paragraph 32 of the NPPF states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'. NCC Highways have been consulted in respect of the highway impact of the development and they have confirmed that the level of impact would not be severe and that a refusal reason based on the site being unsustainable in terms of highway impact could not be substantiated.

5.4 Subject to the above mitigation package being secured by a suitably worded condition, the Highway Authority raises no objection to the application, which is considered to accord with the NPPF in this regard.

6.0 Ecology

6.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity, with an emphasis on improving ecological networks and linkages where possible.

6.2 The majority of the ecology of the site is contained within the sites boundary hedgerow habitat. The boundaries of the site are marked by hedgerows, mature trees, open farmland and ditches. A pond is present in the north east of the site, surrounded by scrub and mature trees. Field margins of seeded, species-poor semi-improved grassland and ruderal vegetation are present at the site and field boundaries.

6.3 Offsite, to the south and west are further arable fields and ponds, to the north are arable fields and existing residential properties and to the east is a single residential property with a large garden.

6.4 The application is accompanied by an Ecological Appraisal which explains that the proposals include the retention of trees and hedgerow at the site and field boundaries along with habitats associated with the pond and the wet ditch. The development will incorporate these features into the proposed green infrastructure within three areas of public open space or 'Greens'. A balancing feature will also be incorporated into the development in the north west of the site. Species-rich grassland will be incorporated into areas of public open space to enhance the biodiversity of the site and where possible planting within the site will seek to provide additional wildlife habitat suitable for urban areas. An area of allotments and a community orchard are also proposed within the south of the site.

6.5 In order to provide a net gain in biodiversity and to accord with the requirements of the NPPF and Core Strategy Policy CP10, mitigation in addition to the above scheme elements is proposed. This includes both native and ornamental planting to encourage biodiversity, provision of bird boxes, bat boxes and species rich grassland.

6.6 It is noted that the ecological impact of the original scheme of 65 dwellings was assessed by the Council's Ecological Consultant, who considered that the Ecological Appraisal submitted by the applicant was sufficient and raised no objections provided that the development is undertaken in-line with the details included within the documents. The County Ecologist has highlighted that the original comments remain relevant but that the data is nearly 3 years old. The County Ecologist has subsequently recommended conditions securing the submission and approval of updated reports prior to the commencement of development. Accordingly applicant has been preparing updated ecological reports, and a condition has been recommended requiring these to be submitted within reserved matters applications.

6.7 Natural England, (the Government's advisor on such matters), also has no objection to the scheme, which is considered to accord with the Core Strategy Policy CP10 and the relevant requirements of the NPPF.

6.8 Having regard to the above, subject to the County Ecologist raising no objections to the proposed development, it is considered that the proposed development

7.0 Amenity

7.1 With the exception of one of the three new dwellings adjacent to the east boundary of the site and Rayners Farm, there are no properties that directly border the site. The framework plan submitted with the application demonstrates that a layout could be achieved, that includes appropriate separation distances between existing and proposed development and that the amenities of existing and future residents could be secured. It is likely that there would be no direct impact on the amenity of neighbouring occupiers in terms of overlooking or loss of light.

7.2 There would be some harm to the amenities of local residents close to the proposed access to the site, in terms of increased traffic and pedestrian movements, as well as a reduction in the general landscape amenity enjoyed by existing residents. However, given the character of the area and existing traffic levels, it

is not considered that significant harm would be caused.

7.3 The provision of allotments and open space would be of benefit to the village and could be an addition to existing amenity. However, the proposed allotments would be located at a remote part of the western edge of the village, away from its centre and the majority of village residents. This means that the degree of benefit of this facility is reduced.

8.0 Drainage and flood risk

8.1 With regards to surface water implications it is noted that the County Council as Lead Local Flood Authority, (LLFA), previously raised objections to development at the site and that an appeal relating to the site was dismissed as a result of flood risk issues not being satisfactorily resolved. The original Flood Risk Assessment accompanying the application has been revised and additional information submitted in order to address the reasons for refusal, together with a reduced extent and number of dwellings being proposed. The LLFA have replaced the Environment Agency as the statutory consultee in respect of flood risk and SUDS matters. The LLFA have commented that following the revisions and additional information submitted by the applicants and subject to conditions, a development of up to 50 dwellings and associated infrastructure would be achievable within the development site without increasing the flood risk elsewhere. Consequently, it is considered that it has been demonstrated that a development of up to 50 dwellings could take place without being at risk of flooding or increase the risk flooding elsewhere, in accordance with the policies set out in the Core strategy, the Mattishall Neighbourhood Plan and NPPF.

8.2 With regards to foul water, the applicants have indicated that foul water flows will be connected to the mains sewerage system, which discharges to Mattishall treatment works. Assuming that there is adequate capacity in the network to accommodate these flows, (taking into account the additional flows scheduled to be accommodated from the Dumping Green proposed development in Dereham), then the application would accord with Policy DC13 and the relevant sections of the NPPF. Anglian Water have previously commented that the foul water network does not have available flows to cater for the additional foul water discharge from the site, unless an appropriate drainage mitigation strategy can be agreed. They are happy for this to be required and implemented by way of a suitably worded condition attached to any permission.

9.0 Affordable Housing, viability & deliverability

9.1 Core Strategy Policy DC04 requires that to meet District housing needs the Council will require 40% of the total number of housing units to be provided and maintained as affordable housing within all new residential development on sites which, the Local Planning Authority determines has a capacity for five or more dwellings; or comprises an area of 0.17 ha or more.

9.2 The applicants are offering the provision of 40% affordable housing and are willing to enter into a S106 Legal Agreement to secure its provision. On this basis and subject to the Agreement of a suitable affordable housing mix, the application accords with the requirements of Core Strategy Policy DC04.

10.0 Other matters

10.1 A number of the concerns raised by local residents highlight the ability of the highway, social and economic and general infrastructure of the village to cope with the additional housing development being proposed within this application and previously permitted sites. However, no objections have been raised by statutory consultees in this respect subject to contributions being provided and conditions. Subject to conditions and mitigation proposed the necessary foul water infrastructure can be achieved, and highway infrastructure would be adequate. Financial contributions secured through a legal agreement would be made to the expansion / improvement of local school accommodation, as well as to local library services to mitigate for the additional demand on local services from the additional dwellings.

10.2 With respect to the additional demand for health services, the NHS have been consulted and have requested that a financial contribution of £23,667 be secured from the proposed development to provide for increased capacity and facilities at the Mattishall surgery. The applicants response and intention with respect to this will be reported to committee. On site public open space including allotments and orchard would be provided as part of the proposed development and enhancements and improvements to the surrounding footpath network would be secured by condition and Legal Agreement.

10.3 Paragraph 112 of the NPPF states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. It is noted that the proposed development would result in the loss of grade two, good quality agricultural land. The area of land to be lost at 3.2 HA is relatively small and it is noted that it is well below the threshold of 20 HA for consultation with Natural England. Whilst it is noted that the site would result in the loss of agricultural land considered to be of the best and most versatile, it is noted that the amount lost would not be significant when considering the large amount of equal quality agricultural land within the surrounding area and district. Furthermore, it is not considered that the proposals would result in a significant shortfall in the availability of the high quality agricultural land in the surrounding area and District.

10.5 Policy CS16 of the Norfolk Minerals and Waste Core Strategy requires that in mineral safeguarding areas, development proposals are supported by appropriate investigations to determine whether there are any mineral resources of economic value and whether they can be extracted economically prior to the commencement of development. The site is partly underlain with sand and gravel resources which are safeguarded under the Norfolk Minerals and Waste Core Strategy. However, the Mineral Planning Authority have raised no objections subject to a condition to require a report to be submitted within reserved matters applications containing further investigations and if necessary a appropriate schemes to re-use and any important mineral resources. Therefore, subject to a condition to this effect the proposed development would not in principle sterilise an important and economically valuable mineral resource, in accordance with policy CS16 of the Norfolk Minerals and Waste Core Strategy.

10.2 The comments raised by both Mattishall Parish Council and local residents have been taken into account in the consideration of the application where applicable.

11.0 Conclusion

11.1 It is accepted that given the site is located outside of the settlement boundary of Mattishall the proposed development would conflict with core policies within the adopted development plan that seek to sustainably manage housing growth, (policies CP14, DC02). There would also be a detrimental impact on

the character and appearance of the site and immediate context from the loss of open countryside, contrary to policies CP11 and DC2 of the Core Strategy. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

11.2 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. The site is considered to be in a sustainable location, close to existing facilities and local employment and as such has been proposed as a preferred site within the emerging plan. A development of 50 dwellings would mark a departure from the existing pattern of development in this part of the village, but, its impact would be localised and subject to an appropriate design and layout it is considered would not give rise to over-riding harm to the character and appearance of the wider landscape. It is also noted that some intrusion of built form into the countryside is inevitable to deliver the housing growth needed in the district.

11.3 The benefits of the development can be summarised as follows:

- Subject to viability, 40% (20) of the dwellings would be affordable;
- Job creation during the construction phase;
- Increased local expenditure;
- Increase in Council Tax receipts;
- New Homes Bonus;
- Small gain in biodiversity;
- Provision of orchard and allotments;

11.4 With regards to other matters highlighted in the dismissed appeal for 90 dwellings at the site, the Lead Local Flood Authority, (LLFA), have reviewed the additional information submitted by the applicant to address previous objections raised concerning surface water flooding. As set out above the LLFA have removed their objection and subject to conditions it is considered that the proposals would not result in the significant increased risk of flooding elsewhere and would ensure that the dwellings would be safeguarded from unacceptable risk of flooding.

11.5 Whilst only limited weight can be given to the emerging plan it nevertheless shows a direction of travel and the proposal would make a significant contribution to the 10% growth identified for the village in the next plan period. Having regard to the above, it is considered that in this instance the significant benefits deriving from the development would outweigh the harm caused by way of conflict with development plan policy and the proposal would help address need for growth in a sustainable location and would form sustainable development when taking into account the development plan and the policies of the NPPF as a whole.

12.0 RECOMMENDATION

12.1 That the application be approved subject to the conditions below, the entering into a Section 106 Agreement to secure the planning obligations set out above, and a Section 278 Agreement to secure the off-site highway works.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3003	Early delivery of Housing Time limit	
3058	Standard Outline Condition	
3028	Limited to 50 dwellings	
3047	In accordance with submitted	
3948	Top Soil	
3920	Updated ecology reports within reserved matters applications	
HA39B	Highway improvements off-site B	
3996	Note - Discharge of Conditions	
2014	Criterion E - Planning Apps Where Approved	
AN60	NOTE NCC Inf 1 When off-site road improvements are required	
AN63	NOTE Contamination	
AN66	NOTE NCC Inf 7 Street lighting	
AN72	Note Legal agreement re: afford hsg, p open space & fin cont	
3385	Archaeological condition	This condition will require to be discharged
3944	Contaminated Land - Desk Study/Site Investigation	This condition will require to be discharged
3802	Precise details of surface water disposal	This condition will require to be discharged
3804	Precise details of foul water disposal	This condition will require to be discharged
HA05	Standard outline highways condition	This condition will require to be discharged
HA22	Driveway length	This condition will require to be discharged
HA23	Garages- size and retention for parked vehicles	This condition will require to be discharged
HA28	Construction traffic (parking)	This condition will require to be discharged
HA29A	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
HA29B	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
HA30A	Wheel washing facilities- temporary for construction vehicle	This condition will require to be discharged
HA39A	Highway improvements-offsite A	This condition will require to be discharged
HA40	Traffic regulation orders	This condition will require to be discharged
HA50	Non standard highway condition	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM:	2	RECOMMENDATION:	APPROVAL
REF NO:	3PL/2016/0939/VAR	CASE OFFICER	Chris Hobson
LOCATION:	WRETHAM Stonebridge Camp Thetford Road Stonebridge	APPNTYPE:	Variation of Cond's
APPLICANT:	Beres Development Ltd Peak House Greaves Road	POLICY:	Out Settlemnt Bndry
AGENT:	Mr Charles Dunn Coda Planning Ltd 70-71 Cornish Place	ALLOCATION:	N
PROPOSAL:	Development of Stonebridge Camp inc. erection of 27 dwellings (revised scheme)		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

DEFERRED REASON

1. This application was deferred at Planning Committee on the 12th June 2017 to allow for further time for consultation to be undertaken on the latest amendments made to the planning application. Whilst those revisions raised no new issues and formal consultation was not deemed necessary, further time has been given to enable Wretham Parish Council to review and make further comments on the revised scheme.
2. The Parish Council has since raised strong objections to the proposal for the following reasons:
 - Extent of frontage car parking.
 - Reduction in number of parking spaces.
 - Prominent siting of sub-station.
 - Brick wall along frontage.
 - Reduction in size of play space.
 - Location and size of covered seating area.
3. The proposed site layout has subsequently been amended to address the points raised in further comments received from the Highway Authority and Wretham Parish Council. These include the provision of the necessary visibility splays at the site access, provision of additional parking provision, increasing the depth of the open space to the site frontage, re-alignment of footway along site frontage and replacement of frontage wall with beech hedge.
4. Comments are awaited from the Highways Authority and Wretham Parish Council on these latest amendments. The applicant has advised that any further delay beyond the 31st July committee would prejudice the funding arrangements for the proposed development and the actual delivery of the development. The application is therefore being taken to this committee and any further comments received will be reported to committee in due course.
5. Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits

provided in relation to the sustainable development tests as set out in the NPPF.

REASON FOR COMMITTEE CONSIDERATION

This application has been called in to be considered at Planning Committee by a local Ward Member.

KEY ISSUES

The impact of the proposed revised house types and layout on the following matters,
Design and character of surrounding area;
Public open space provision;
Neighbour Amenity;
Highway safety and traffic implications;

DESCRIPTION OF DEVELOPMENT

This application seeks permission to vary conditions 2 and 8 of planning permission 3TL/2011/0030/TL, to allow for minor material amendments to the layout of the development and the proposed house types. The development proposed includes the demolition of existing former military buildings and the erection of 27 dwellings, a new access and estate road and an area of public open space.

SITE AND LOCATION

The application site is located on the southern edge of Stonebridge, East Wretham and extends to approximately 1.6 hectares. The site was formerly used as a military camp and includes a large number of now disused buildings and hardstandings. The site is adjoined to the north by established housing and elsewhere by open countryside. Work to clear the site and construct the site access has commenced.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3OB/2016/0007/OB - Modification of s106 agreement in respect of affordable housing requirements. Approved.

3OB/2015/0009/OB - Modify S106 of 3TL/2011/0030/TL to allow works to commence prior to details of a sale to a registered provider being submitted. - Approved.

3DC/2015/0173/DOC - Discharge of conditions 3, 5, 6, 8, 10, 11, 14, 15, 17, 18, 19, 20, 22 & 23 of 3TL/2011/0030/TL - Discharged in part and full.

3TL/2011/0030/TL - Extension of time limit on permission 3PL/2007/1569/F - Erection of 27 dwellings (Approved).

3PL/2007/1569/F - Erection of 27 dwellings (2,3, 4 & 5 bed units) & assoc. work (Approved).

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

Policy CP06 Green Infrastructure
Policy CP10 Natural Environment
Policy CP11 Protection and Enhancement of the Landscape
Policy CP13 Accessibility
Policy DC01 Protection of Amenity
Policy DC02 Principles of New Housing
Policy DC11 Open Space
Policy DC12 Trees and Landscape
Policy DC13 Flood Risk
Policy DC16 Design
Policy DC19 Parking Provision

National Planning Policy Framework (NPPF)

With particular regard to paras 11 - 14, 17, 32, 34, 35, 47, 49, 58, 63 - 65, 93-96, 100 - 103, 109 203 - 206 & 215.

OBLIGATIONS/CIL

The permission is subject to the obligations secured in the original legal agreement, (dated 22nd October 2008), as varied by way of more recent deed of variations dated 28th January 2013, and 17th June 2016 under permissions 3OB/2015/0009/OB and 3OB/2016/0007/OB.

The revised obligations include the following matters:

- Affordable housing comprising 6 dwellings, suspended for 3 years;
- Public Transport contribution of £3,000;
- Traffic management contribution £15,000;
- Library contribution £1,620;
- Village Hall contribution of £80,000;
- Open space provision, and on going maintenance contribution;

CONSULTATIONS

WRETHAM P C

Object to the proposed development for the following reasons:

- Insufficient parking on site, which would result in on street parking, and parking on areas of public open space.
- Overall appears more urban in character.
- Concerns regarding maintenance of the section of private drive;

- Prominent location of sub-station;
- Public open space reduced with loss of pagoda, play equipment and planting;
- Loss of footpaths through the site;

NORFOLK COUNTY COUNCIL HIGHWAYS

Request various amendments to the size and layout of parking areas, turning areas; indication of required visibility splays and provision of parking spaces to parking standards.

Comments on amended plans are awaited and will be reported to committee.

FLOOD & WATER MANAGEMENT TEAM

No comments to make.

TREE AND COUNTRYSIDE CONSULTANT

No objections.

ENVIRONMENTAL HEALTH OFFICERS

No objections subject to conditions.

CONTAMINATED LAND OFFICER

No objections.

NATURAL ENGLAND

No comment to make on application.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

There is good natural surveillance across the site of parking areas and public space. However, some concerns regarding plots 13, 15, 20 and 24 which would benefit from an additional side window on to the parking areas. Plots 6, 24 and 26 would benefit from a fence being topped with trellis to discourage climbing.

NORFOLK FIRE AND RESCUE SERVICE

No objections subject to provision of fire hydrant on site.

NORFOLK WILDLIFE TRUST

No Comments Received

ANGLIAN WATER SERVICE

No Comments Received

ENVIRONMENT AGENCY

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

HOUSING ENABLING OFFICER

No Comments Received

REPRESENTATIONS

The application was publicised by notice at the application site, and letters sent to neighbouring residents.

One representation has been received raising objections for the following reasons:

- Revisions to parking arrangements would result in on street parking, parking in front of dwellings and on areas of open space;
- The loss of footpaths, pagoda and play equipment would lessen the value of the scheme;
- The proposals appear urban rather than rural.

ASSESSMENT NOTES

Given that the proposals relate to minor material amendments to an existing planning permission, it is considered that the main issues for consideration are the impact of the amendments on the design of the scheme, the landscaped public open space and any neighbour amenity and highway safety issues.

1.0 Design, Impact on Character and Appearance of the Surrounding Area

1.1 The proposals seek permission for various minor material amendments including slight amendments to the external elevations to each the house types, the swapping of the house types at plots 18, 21, 23, 25, 26, 27, and minor changes to the siting and orientation of the proposed dwellings. Other alterations include the loss of garages at plots and amendments to parking and turning areas across the site. The proposed changes to the elevations include amendments to the brick and render finishes, the provision of pitched roof porches to plots, addition of arched lintels to plots 1, 5, and 9, and addition of brick headers to plots 11, 15, 18, 21, 22, 25, 26 and 27.

1.2 The proposals to slightly re-orientate and re-site a number of the plots across the site would retain the overarching character of the development, with the majority of dwellings set around and fronting on to the circular estate road, with differentiated levels of set back and smaller closely related clusters of two or three dwellings set behind in the north, east and southern corners of the site. The substitution of the house types across the site would still provide for a balanced mix of the previously approved house types across the application site.

1.3 The proposed amendments to provide hard surfaced parking areas to the frontage of plots 1-8 rather than a rear parking area as previously permitted ensures natural surveillance and safer parking areas for future residents. However, it is noted that this results in a greater extent of hard surfaced areas along the frontage within a prominent location along the new estate road. The scheme has been amended to introduce new tree, hedgerow and grassed areas along the frontages and between plots 1 - 8 to break up and reduce the extent of parking areas.

1.4 The proposed amendments are considered to be sympathetic with the original design approach and style of the dwellings and individually and cumulatively are not considered to detract significantly from the overall design quality of the proposed dwelling. The amendments are considered to accord with the requirements of Core Strategy Policy DC16 as well as paragraphs 59 and 63 of the NPPF.

2.0 Implications on Public Open Space

2.1 Following the detailed design of the surface water drainage measures that would now be incorporated under the open space and viability constraints resulting from significant abnormal costs, the proposed allocated play area has been reduced in size and the overall amount of public open space has also been reduced slightly. Otherwise, the large central area of public open space is retained as previously permitted including the provision of a covered seating area with footpaths amended to provide a circular loop around the site and to link into the footpath along the Thetford Road frontage. Overall the size of the public open space would still accord with the space requirements within policy DC11 of the Core Strategy. The proposed

landscaped public open space would also still incorporate the various ecological enhancement and mitigation measures including tree planting, wildflower planting, a hibernaculum and bird and bat boxes.

2.2 Whilst the open space along the frontage of the site would be reduced in depth, the scheme has been amended within this application to retain a landscaped frontage to the site with tree planting to be provided in front of a beech hedgerow to the side boundary walls at plots 1, 26 and 27. A footpath link would also now be provided across the public open space to provide links to a realigned footpath to be provided along the frontage of the site.

2.3 Overall it is not considered that the proposals result in significant over-riding harm to the quality and usability of the public open space at the site. The amended scheme would provide a local area of play, (LAP), would accord with the requirements of policy DC11 which requires a LAP to be provided on schemes of 25 or more dwellings. The existing legal agreement would continue to secure the submission and approval of a detailed open space specification and contributions towards its on-going maintenance.

3.0 Neighbour Amenity Implications

3.1 The proposed amendments to the proposed layout would not significantly change the location and height of the dwellings previously permitted. As a result, there would be no significant additional harm caused to the privacy, outlook and daylight of surrounding residents. The main alteration would involve removing a rear parking area from the northern boundary of the site adjacent to the access lane and dwelling to the north of the site. Therefore, moving the parking area away from this boundary would represent a minor improvement in neighbour amenity terms to the previously approved layout.

3.2 Therefore, having regard to the above it is considered that the proposals would not result in an unacceptable impact on the amenity of the existing surrounding residents and would provide for acceptable levels of amenity for and future occupants the application in accordance with the requirements of Core Strategy Policy DC01.

4.0 Highway Safety and Traffic Implications

4.1 The proposed development would utilise the same access to the site as previously permitted and the estate road layout, and arrangement of short cul-de-sacs is largely the same as previously permitted. The Highways Authority have reviewed the amended proposals and highlighted a number of suggested amendments. The scheme has subsequently been amended to address those points raised. Comments on the updated site plan are awaited and will be reported. However, it is noted that the revised scheme would not cause severe impacts on the capacity of the surrounding network over and above the permitted scheme of 27 dwellings. The layout also provides for safe access could be provided and sufficient vehicular parking would be provided for each dwelling within their curtilage.

6.2 Having regard to the above it is considered that the proposed amendments to the internal layout of the site would be acceptable and the application is considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

5.0 Conclusion

5.1 The proposed amendments to the layout and appearance of the dwellings are considered to be sympathetic with the original design approach and are not considered to detract significantly from the overall design quality of the proposed scheme. The proposed amendments would not result in any significant harm to highway safety nor cause significant harm the amenity of neighbouring residents or future occupiers. Whilst the size of the local area of play has been reduced the overall quality of the public open space would not be significantly compromised, and the revised proposals are considered to comply with policy DC11 of the Core Strategy. Therefore, overall the proposed amendments are considered to accord with the requirements of Core Strategy Policies DC01, DC12, DC16 and DC19 as well as policies within the NPPF.

6.0 Recommendation

6.1 The application is therefore recommended for approval subject to receiving comments from the Highway Authority and the conditions below.

RECOMMENDATION

Planning Permission

CONDITIONS

3047A	In accordance with submitted plans NEW 2017	
MT03	External wall and roof materials as approved	
PD09	No alterations to garage	
3750	Ecological mitigation as approved	
HA03A	Road Surfacing	
3750	Surfacing in accordance with approved phasing details	
3750	Non-standard highways condition	
3860	Surface water drainage completed as approved	
3860	Management of drainage as approved	
3920	Construction Management Plan implemented as approved	
3943	Contamination found during development	
3920	Fire hydrants provided as approved	
3920	Non-standard condition	
3992	Non-standard note re: S106	
3996	Note - Discharge of Conditions	
4000	Variation of approved plans	
2001	Application Approved Following Revisions	
DE08	Slab level as approved	This condition will require to be discharged
MT09	Flintwork Panel to be submitted	This condition will require to be discharged

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AR01	Archaeological work as approved	This condition will require to be discharged
3403	Screen fencing &/or walling to be built	This condition will require to be discharged
3408	Landscaping implemented as approved	This condition will require to be discharged
HA01	Standard estate road conditions	This condition will require to be discharged
HA02	Standard estate road condition	This condition will require to be discharged
HA03B	Surfacing in accordance with approved details	This condition will require to be discharged
3949	Contamination / Remediation scheme completed as approved	This condition will require to be discharged

ITEM: 3	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1397/F	CASE OFFICER: Debi Sherman
LOCATION: DEREHAM Land at Greenfields Road	APPNTYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: Y
APPLICANT: Orbit Homes (2020) Limited Orbit House Garden Court	
AGENT: EJW Planning Limited Lincoln Barn Norwich Road	
PROPOSAL: 285 dwellings comprising 6 x 5-bedroom houses, 87 x 4-bedroom houses, 113 -three bedroom houses, 73 x 2 bedroom houses, 4 x 2 bedroom bungalows and 2 x 1 bedroom bungalows together with associated access, pedestrian and cycle links, landscaping and open space.	

DEFERRED REASON

The application was deferred at the meeting on the 8th May 2017 in order to provide more information in relation to Adopted Core Strategy Policy DC11.

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Committee as a major development proposal.

KEY ISSUES

Principle of development and policy matters.
Local character, amenity and trees.
Access.
Ecology.
Other matters

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for 285 dwellings comprising 6 x 5-bedroom houses, 87 x 4-bedroom houses, 113 -three bedroom houses, 73 x 2 bedroom houses, 4 x 2 bedroom bungalows and 2 x 1 bedroom bungalows together with associated access, pedestrian and cycle links, landscaping and open space on 12.32 hectares of land to the south of Greenfields Road, in Dereham.

The proposed houses would be accessed via new accesses formed off Greenfields Road and Wheatcroft Road.

The application is supported by a number of documents and technical reports, including a Design and

Access Statement, Phase 1 Habitat Survey, Overview of Existing Open Space and Play Facilities, Arboricultural Impact Assessment, Transport Assessment, Ecological Assessment, Landscape and Visual Impact Assessment, Flood Risk Assessment, Foul Water Strategy Report and Heritage Assessment.

SITE AND LOCATION

The application site is located to the eastern side of Dereham town centre between Greenfields Road and the A47.

The site is south of the Grade II listed Dereham Windmill and is bounded by Wheatcroft Way to the east and Greenfields Road to the west. It is currently laid to grass with mature hedgerows on the majority of site boundaries with the exception of those shared with existing dwellings.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3/PL/2011/0898/O - Construction of 220 homes with associated landscaping and infrastructure, approved 16th May 2014

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.05	Developer Obligations
CP.08	Natural Resources
CP.10	Natural Environment
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
PPS01	Delivering Sustainable Development
PPS03	Housing

NPPF With particular reference to paragraphs 14, 17, 24, 26, 27, 32, 34, 35, 49, 103 & 118

NPPG National Planning Practise Guidance

'Manual for Streets' 2007

Dereham Draft Neighbourhood Plan, (Draft only - given the stage it is at it is considered to carry no weight).

Preferred Site Options and Settlement Boundaries consultation document September 2016

OBLIGATIONS/CIL

Provision of 25% affordable housing.

Contributions towards education, libraries, primary health care.

CONSULTATIONS

AIR QUALITY OFFICER

Needs to refer to the Transport Assessment

DEREHAM T C

Issues and concerns raised regarding -

- density and number of units
- fragmentation and usability of open space
- on-going maintenance of open space
- potential PROW adjacent to Cherry Lane
- reliance on permeable paving as part of SuDS, frequency of use of the detention basins and value to the open space provision within the site
- concerns regarding the walking and cycling audit undertaken and the value of the measures proposed
- concerns about the impact of the development on the existing highway network, (Tavern Lane) and the value of undertaking improvement works could have to alleviate existing difficulties

ENVIRONMENT AGENCY

No objections subject to comments from the LLFA.

ANGLIAN WATER SERVICE

In order to accommodate 50 dwellings, 16m³ of storage will need to be provided, in order to accommodate 75 dwellings, 39m³ of storage will need to be provided. The remaining development portions will be included in the Dereham Growth Strategy, subject to conditions

HIGHWAYS ENGLAND

No objection

HISTORIC ENVIRONMENT SERVICE

No objection subject to conditions

RAMBLERS ASSOCIATION: NORFOLK AREA

No objections in principle, previous comments apply notwithstanding the changes made.

NATURAL ENGLAND

No objection, no requirement to undertake an appropriate assessment.

SPORT ENGLAND EASTERN REGION

The proposed development is not with the statutory or non-statutory remit of Sport England.

PUBLIC RIGHTS OF WAY OFFICER

Need to consider the form and linkages of the proposed southern boundary route and make them part of the green corridors.

LAWSON PLANNING PARTNERSHIP LTD ON BEHALF OF NHS ENGLAND

No objection subject to a financial contribution of 103,454 pounds.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to revisions to visibility splays and minor road alignment adjustments

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

Spare capacity for Early Years and Secondary education provision.

Education - Primary 861,656 pounds; Sixth form, (secondary), 95, 145 pounds.

Library provision - 21,375 pounds

FLOOD & WATER MANAGEMENT TEAM

No objections subject to conditions

HISTORIC BUILDINGS CONSULTANT

No objections.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to the internal estate road being relocated beyond the root protection area of the TPO tree.

ENABLING OFFICER

Provision of 25% affordable housing not policy compliant and should be subject to viability testing. Concerns about the proposed mix of affordable housing and dwelling sizes.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Important to maintain and enhance the wildlife corridors. No objections subject to conditions.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

EHO

No objections subject to noise and sewerage capacity conditions.

COUNCILLOR ALISON WEBB

My issues and concerns include the current sewerage position in Dereham with raw sewerage spilling onto pavements near schools and shops. Also, the density of housing proposed is significantly more than originally on the Outline Plans submitted and approved and I not believe this is appropriate for this location. Additionally the status of Cherry Lane is still being clarified with NCC and this needs to be clear before approval is given.

COUNTRYSIDE ACCESS OFFICER NCC

Norfolk County Council has decided to make an order adding to the Definitive Map the claimed routes through and around the site as Restricted Byways. These routes are already 'accepted' by the applicant within the plans

NORFOLK RIVERS INTERNAL DRAINAGE BOARD	No Comments Received
NORFOLK WILDLIFE TRUST	No Comments Received
COMMUNITY DEVELOPMENT OFFICER	No Comments Received

REPRESENTATIONS

Twenty letters of representation have been received raising the following issues and concerns:-

- density and number of units
- out of character with surroundings
- impacts on sewerage capacity in the area and measures necessary to remedy the problems
- impact on schools capacity
- impact on primary healthcare provision
- traffic impacts of the development
- traffic impacts of linking Wheatcroft Way and Greenfields Road
- unsolicited on street parking
- disruption from construction traffic
- no visitor parking within the scheme
- direct impacts on neighbouring properties
- impacts of other proposals in the area, (45 dwellings)
- crime and disorder issues associated with the new residents
- loss of views of Dereham Windmill and devaluation of property

ASSESSMENT NOTES

1.0 This application is referred to Committee as a major development proposal.

2.0 Principle of development and policy matters.

2.1 Site is located within the settlement boundary for Dereham and the proposal is thus compliant with policy in the adopted Core Strategy. Further, the site is the subject of an extant outline planning permission for 220 dwellings. The site is located in close proximity to the town centre and associated facilities, schools, shops and public transport (bus) links. It is accepted that the location is a sustainable form of development, as defined in paragraphs 6-10 of the NPPF, and is acceptable in principle.

2.2 The site is classified as grade 3 agricultural land, whilst it is not clear whether it is 3a or 3b the site is within the settlement boundary and outline consent has already been granted for residential use. In any event, with a site area of 12.32 ha it is below the 20ha threshold for consulting Natural England.

2.3 The existing outline planning permission was subject to viability testing and was granted on the basis of 15% affordable housing provision. The current scheme proposes a level of affordable housing offered at 25%. The scheme would consist of 214 open market units and 71 affordable dwellings. Whilst this 25% provision falls below the Council's usual standard it represents an increase from the previous outline consent

which secured 33 units. Although there is an increase in the number of dwellings now proposed by 65 units, 58% (38 units), of the uplift would constitute affordable housing. Furthermore, in terms of the affordable housing split, it has been confirmed the provision would comply with the Council's requirements for affordable rent and shared ownership. On this basis, no objections are raised.

3.0 Effects on local character & amenity

3.1 The site has the benefit of an existing outline planning permission for 220 dwellings and has been allocated as a development site within the Council's Adopted Core Strategy. In terms of visual impacts associated with the development of this site, there are no objections in principle. The site falls within the National Character Area 84 - Mid Norfolk as defined by Natural England. The submitted LVIA acknowledges that there would be Major visual effects resulting from the development in the immediate localised area but these effects would reduce to Moderate further afield. On this basis, it is concluded with a mitigation strategy including improvements to hedgerow planting and the green infrastructure network in place the impacts of the development can be reduced to an acceptable level.

3.2 The layout of the development has been the subject of revisions to address issues relating to how the development would relate to its surroundings, open space and highway layout issues. The scheme has been designed to reflect the form and layout of existing development along Greenfields Road, particularly the areas fronting onto Dereham Windmill which would be characterised by low density detached housing. The density increases into the development including a number of courtyard areas but these are largely within the site and would not adversely affect the character of Greenfields Road. Whilst Greenfields Road is predominately large detached houses higher density areas are present to Wheatcroft Way to the north east of the site and the proposal represents a reasonable transition. The overall gross density at 35 dwellings per hectare is considered acceptable and whilst there may be elements of the site that are more intensively developed, the layout is considered appropriate in an urban location such as this.

3.3 As stated above, the scheme has been revised to take account of potential impacts on adjacent existing residents, the effects of the development are not considered materially harmful and as such would be acceptable in terms of amenity.

3.4 The site lies alongside the A47. In order to mitigate the external noise effects on proposed residents, landscaped attenuation bunding is proposed. The bunds would protect amenities of the new residents against noise from A47. The existing bunds along the south boundary of the site would be utilised with additional 2.1m high fencing on top to mitigate noise impacts. A new section of 2m high bunds are proposed in the south eastern section of the site with 3m high fencing proposed to top it. The maximum overall height along any section would be 5.23m. This is considered acceptable in context of the existing landscaping in this part of the site and would have been required for any development scheme in such close proximity to the A47.

3.5 Additional traffic movements would result in some additional disturbance to existing residents, particularly during the first phase of development. However, given the likely volume, speed and distribution of such traffic, it is not considered that such disturbance would cause significant harm nor exceed that which might reasonably be expected within a built up area.

3.6 It is considered therefore that the proposal would be compatible with the established pattern and character of surrounding development and would be a logical addition to the existing built up area. The application proposal would not conflict therefore with Core Strategy Policies CP11, DC01, DC02 or DC16, nor the guidance in paragraphs 17, 58 and 109 of the NPPF.

4.0 Trees

4.1 The site is laid to grass but well landscaped around its boundaries with the addition of an existing mature hedgeline that runs along the existing field boundary linking Greenfields Road with Wheatcroft Way. It is proposed to retain this hedgerow and incorporate it into the development by making it a wildlife corridor. In addition to the boundary hedging there is a single Oak tree, centrally located within the site, which is the subject of a TPO. The layout has been altered to ensure that the tree is protected and would be located within the area of public open space.

5.0 Public Open Space

5.1 The calculated requirement for public open space is 18470 sqm. The scheme provides 22319sqm of open space which exceeds the requirements by 3849 sqm. The proposed provision is comprised of;

14484sqm unencumbered open space (flat / level)
1876 sqm containing flood attenuation features
5959 sqm containing a noise attenuation bund

5.2 The Council's Open Space Assessment 2015 is not clear as to when open space is considered unsuitable. There have been concerns expressed regarding the fragmented nature of the proposed open space on site but it does provide scope to site the two LEAPs and LAP in different areas of the site to facilitate an even distribution of play space as well as further areas of open green space that have value from a visual amenity perspective. It is important to note that the main area of Public Open Space would enable direct access from the existing public footbridge across the A47 directly to the Dereham Windmill, which can currently only be accessed via a more circular route.

5.3 The inclusion of the bunds in the open space calculation again would provide both visual amenity and some informal open space and habitat creation adjacent to the existing footpath that runs along the southern boundary of the site which is considered to be of value in open space terms.

6.0 Ecology

6.1 The site lies approximately 1km of the Bradley Moor SSSI and Norfolk Valley Fens SAC as well in proximity to other statutory designated nature conservation sites. An ecological appraisal has been undertaken which assesses the impacts of the development. The site would be shielded from these sites by existing housing development and the A47 and would not cause significant additional recreational pressures as public rights of way are limited to the designated sites in question, consequently an Appropriate Assessment would not be required. Ecological issues within the site itself are addressed by the Ecological Appraisal and subject to the submission of an Ecological Management Plan, ecological impacts can be

mitigated.

7.0 Access / Highways / Public Rights of Way

7.1 The access to the site would be created via linkages to Greenfields Road and Wheatcroft Way to the primary road network. There is no evidence to suggest that the surrounding road network would not have sufficient capacity to cater for the extra traffic generated from the proposal. Further, assessments have previously been made of the traffic impacts associated with 220 dwellings and it is not considered that an additional 65 units would make a material impact in highway safety terms. The Highway Authority has no significant objections, recent revisions have sought to address some concerns relating to visibility splays and turning areas which have not materially affected the main layout.

7.2 As referenced above in para 5.3 there is a public footpath adjacent to the southern boundary of the site which runs around the edge of the site to its northern boundary. It has been the subject of a claimed PROW, which is likely to be accepted by the Public Rights of Way Team at NCC. The proposals show the development would be sited clear of the PROW but there is some dispute as to the 'width' of the PROW and whether the bund would encroach but the PROW is largely outside of the site at this point along the A47.

7.3 Issues have been raised regarding the provision of non-motorised linkages to the wider area but no concerns have been raised by NCC taking into account the proposed connections into the local Green Infrastructure network and Public Rights of Way network. It is considered that the measures proposed would be adequate to mitigate the effects of the development.

7.4 On this basis, it is considered that the proposal is acceptable in transport terms and would be consistent with NPPF paragraphs 32, 34 and 35.

8 Flood Risk / Drainage / Sewage

8.1 The site is Flood zone 1 (low risk). The EA has not raised objections. The submitted Site Specific Flood Risk Assessment has been revised to take account of concerns raised by the LLFA. Following the submission of a revised Flood Risk Assessment no objections are raised by the LLFA subject to a surface water drainage strategy condition.

8.2 In terms of foul water drainage, Anglian Water have acknowledged that the current foul drainage capacity of the Dereham Water Recycling Centre is limited and only has capacity for the first 50/75 new dwellings. A condition has therefore been recommended that the occupancy of the development is restricted to those levels until the planned improvement for foul sewer collection is complete in 2018. It has been confirmed that such a restriction would not represent a barrier to development when taking into account the timescales involved and the anticipated build out rates of the development.

8.3 Taking into account the above, the development would not conflict with paragraphs 103 and 109 of the NPPF.

9.0 Heritage

9.1 The development has been considered in context of its impact on the nearby designated heritage asset, Dereham Windmill. The Historic Buildings Officer has not raised objections in light of the sensitive way in which the development has been designed adjacent to the listed building. It is considered that there would be no material harm to the significance of the heritage asset, in accordance with paragraphs 131 and 132 of the NPPF.

9.2 The Norfolk Historic Environment Service has raised some queries regarding the submitted desk based assessment because of the potential presence of previously unidentified heritage assets of archaeological interest. Therefore it is recommended that conditions are imposed that require a written scheme of investigation, site investigation and post investigation assessment. On this basis, the development would accord with paragraph 141 of the NPPF.

10.0 Other Matters

10.1 Matters relating to a lack of capacity in primary healthcare provision in Dereham has been raised. NHS England have been consulted and raised no objections subject the provision of a financial contribution towards the improvement of facilities in the town to accommodate the new residents. The contribution would be made via the S106 Agreement prior to development commencing. The applicant has agreed to meet these costs. On this basis, they raise no objections to the scheme.

10.2 There are also implications for education provision in the town. NCC have advised that there is spare capacity in Early Years and Secondary provision but a requirement for primary education and sixth form education provision would be required to mitigate the need for additional school places. The applicant has agreed to meet these costs which would be provided via the S106 Agreement.

10.3 A contribution towards library provision in the area has been requested and agreed, which would also be provided via the S106 Agreement.

11.0 Conclusion

11.1 The site is located within the settlement boundary of Dereham and is the subject of an existing outline planning permission for 220 dwellings, it is therefore sustainable in principle. The proposal would result in an additional 65 dwellings being constructed on site but 58% (38 units), of those additional properties would be affordable housing units providing a total of 71 of such homes. Local services and facilities would be readily accessible and could expect to derive support from new residents. The environmental and social impacts of the development have been considered and can be adequately mitigated. There is no substantive evidence to suggest that the proposal would have a significant adverse effect on local infrastructure. Potential impacts on local ecology have been scrutinised and found to be acceptable. The development would also make a significant contribution towards the supply of housing, including affordable housing.

11.2 Taking all these matters into account, it is concluded that the proposal would represent sustainable

development, as defined in the NPPF and would not conflict with the objective of development plan policies.

12.0 RECOMMENDATION

12.1 The application is recommended for Approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)	
3047A	In accordance with submitted plans	
3150	Construction Management Plan	
3160	In accordance with Aboricultural Impact Assessment	
3412	Trees/hedges to be retained	
3413	Indicated landscaping to be implemented	
3860	Surface Water drainage condition	
3935	Ecological Management Plan	
3720	Provide access and parking	
3736	Visibility splays	
3740	Works to the highway network	
3962	NOTE: Highway notes attached	
2001	Application Approved Following Revisions	
3385	Archaeological condition	This condition will require to be discharged
3104	External materials to be approved	This condition will require to be discharged
3405	Fencing/walls - details and implementation	This condition will require to be discharged
3547	Lighting Pollution	This condition will require to be discharged
3804	Foul Water Strategy	This condition will require to be discharged
3949	Contaminated Land - Site Investigation/Remediation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged
HA43A	Travel plan not agreed at planning stage	This condition will require to be discharged
HA43B	Travel plan not agreed at planning stage	This condition will require to be discharged

ITEM: 4	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1262/O	CASE OFFICER Debi Sherman
LOCATION: HOCKERING Heath Road	APPNTYPE: Outline
	POLICY: Out Settlemnt Bndry
	ALLOCATION: N
	CONS AREA: N
APPLICANT: Greatbrisk Ltd. c/o Agent	LB GRADE: N
AGENT: .RG +P 130 New Walk Leicester	TPO: N
PROPOSAL: Outline for Residential Development of up to 12 dwellings.	

REASON FOR COMMITTEE CONSIDERATION

The application is before the Committee for consideration as the proposal represents a departure from the adopted Development Plan.

KEY ISSUES

Principle of development
Design and scale impact
Highway safety
Impact upon residential amenity
Ecology

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission with all matters reserved for up to 12. no dwellings.

SITE AND LOCATION

The application site lies on the edge of the village of Hockering, outside the designated Settlement Boundary and comprises of agricultural land. The site lies to the south-east of Heath Road. An existing house lies directly to the south, with residential development currently under construction further south along Heath Road. There is existing established residential development to the north of the site on the other side of Heath Road.

There is an existing mixed height hedgerow forming the front boundary with Heath Road, containing a number of Field Maples. There is no footpath on this side of Heath Road and the footpath on the opposite side of the road does not meet the normal required width of 1.8m.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

S106 obligations -
- 40% affordable housing

CONSULTATIONS

ENVIRONMENT AGENCY

No objection to this application.

Contamination The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal of the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

Visibility splays cannot be achieved whilst also retaining the existing frontage hedging. Whilst we remain concerned that visibility cannot be secured without impacting on adjacent hedging, should your Authority support this application then we would expect the following: 1. Removal of the existing frontage hedge from the layout drawing. 2. Extension of the proposed footway in both directions by around 5m. A pram crossings will be required at the northern end with a corresponding crossing on the opposite side of Heath Road. 3. Between the ends of the footways and the site boundaries provide a 2m wide verge. 4. If replacement hedging is to be planted this should be set behind the footway/verge.

HOUSING ENABLING OFFICER

The number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC4 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. At present a 40% provision is required on sites capable of accommodating 10 units or 1000 sq m or more. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In this instance 4 units would be required, 3 for rent and 1 for intermediate housing. The affordable housing mix will need to be determined in the reserved matters. However, I note that the indicative plan shows 3 and 4 bed homes. In order to meet an identified housing need, I would currently recommend that a mix of 2 and 3 bed homes are provided. Please note that housing need is not static and the most appropriate affordable housing mix may change particularly if there is a significant delay before reserved matters are submitted. The links below contain details of the standards, including the space standard, required by the Homes and Communities Agency for the current affordable homes programme 2015-18.

HISTORIC ENVIRONMENT SERVICE

Based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

HOCKERING PARISH COUNCIL

Oppose this application due to the number of developments already proposed for Heath Road and the implications this has on traffic management and impairment of the environment and rural locality and bearing in mind this is outside the village development boundary and Breckland Planning have advised that, although this proposal is shown on the Local Plan as a possible site for development, the Local Plan has accrued no weight so the proposal has to be considered against current policies. It is understood also that Breckland now have their five-year land supply.

The parish council wish to place on record that it objects in the strongest possible terms to frequent amendments to existing planning projects that are currently being constructed. This amendment will further damage the rural environment in destroying further very ancient hedgerows. This cannot be allowed to happen. Hockering did not want this development in the first place. There have already been serious issues with the state of the road left by the builders and this still remains a problem. The details of the splay should have been sorted out before construction started, not while it was going on.

NORFOLK FIRE AND RESCUE SERVICE

Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main.

ANGLIAN WATER SERVICE

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the FRA shows surface water flows draining via on site SuDS techniques, whereas the application form for this development states that a mains connection is required. We would wish to see a clear surface water drainage strategy. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. Recommend surface water condition.

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

COUNTY EDUCATION OFFICER No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

2.0 Principle of development

2.1 The application seeks outline consent for the construction of up to 12 dwellings on land outside of the defined Hockering Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009) which seek to focus new housing within defined Settlement Boundaries.

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 With regard to whether this is a suitable location, Hockering is classified as a rural settlement through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and are not considered suitable for growth as they rely on higher order settlements for the majority of local services and facilities. Notwithstanding this, the village does benefit from some facilities such as a primary school, village hall, garage/post office/store and playing fields, has good access to the A47 and is served by a limited bus service linking it to Norwich/Dereham. Paragraph 55 of the NPPF states housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding

settlements. It is therefore considered that due to the range of facilities available within the village, its close proximity to higher order settlements such as Mattishall and Dereham where a wider range of facilities and services including doctors can be accessed, the proposal would not result in an isolated development in the countryside, and would be consistent with the NPPF principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

2.4 The principle focus of the NPPF is to bring forward sustainable development (Paras 6-14). The Government defines sustainable development as having three roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- environmental, through the protection and enhancement of the natural, built and historic environment

2.5 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.6 In terms of the economic and social criteria, the proposal would provide up to 12 dwellings. This would make a positive contribution to the housing supply, affordable housing and provide some short term economic benefits through its construction.

2.7 Environmentally, although outside the Settlement Boundary, the site avoids encroachment into the countryside as it is bounded to the south by existing development, bordered on east by the Heath Road carriageway, and would be partly screened by the existing established hedging that runs along the rear (western) boundary of the site.

2.8 The scheme would provide additional housing, generate some economic activity, provide affordable housing and planning contributions, and be developed without causing harm to the character and appearance of the area. It is considered therefore that, on balance, the adverse effects of the proposal would not significantly and demonstrably outweigh its benefits.

2.9 Further to the above, the site has been included as part of a preferred site allocation for housing development within the Council's Preferred Site Options (September 2016) consultation document, prepared as part of the emerging Breckland Local Plan. This document has not been submitted or subject to examination and hence carries only limited weight nevertheless it demonstrates a direction of travel and the proposal would contribute towards the growth identified for Hockering.

3.0 Design and scale impact

3.1 The submitted indicative site layout plan is considered to demonstrate that the site is capable of providing 12 dwellings, without resulting in an overdevelopment of the site. It is considered that a scheme with a satisfactory layout and appearance can be achieved whilst providing reasonable amenity and parking space. The density of dwellings, at 25dph, would not be high and would accord with the density range set out in Policy DC02 of the adopted Core Strategy. It should be noted that detailed design, scale and landscaping are reserved matters.

4.0 Highway matters

4.1 Access is also a reserved matter although the indicative site plan shows the formation of a new access. The extent of the application site was amended to include visibility splays onto Heath Road. Although access is a reserved matter, this amendment to the extent of the application site identifies quite clearly the position of the proposed vehicular access. In order to provide the visibility splays, a large section of the road frontage hedgerow would need to be removed. This is regrettable, particularly as the emerging Local Plan allocation includes land that contains an existing access onto Heath Road, thereby negating the need to create this new access. The impacts in landscape terms are examined in Section 5 below.

4.2 Nevertheless, the application has been assessed by the Highways Authority who has raised no objection to the scheme on highway safety grounds, subject to the imposition of suitable conditions, including the provision of pedestrian footways; a pedestrian crossing on the northern end of the new footway, as well as 2m wide highways verge from the end of the footways extending to the site boundaries. On the basis the scheme incorporates these elements, it is considered that the proposal would safeguard highway safety and accord with Policy DC19 of the Breckland Core Strategy.

5.0 Trees and Landscaping

5.1 The revisions to the application site to facilitate the provision of visibility splays would have a significant impact on the hedgerow. However, the hedgerow in question is of mixed quality, varying height with trees of poor structural condition. There is adequate scope within the scheme to facilitate the planting of a new replacement hedgerow within the site behind the required visibility splays, whilst also facilitating the 2m verges requested by the Highways Authority. On this basis, the impacts in landscape terms can be adequately mitigated by the planting of an appropriate indigenous species hedgerow.

5.2 The northern and eastern boundaries of the site are demarcated by hedgerows which should be retained to ensure that the site is visually contained and to protect the wider landscape setting. The southern boundary is shared with an existing dwelling and although there are a number of trees along the shared boundary it is more domesticated in its appearance.

6.0 Impact upon residential amenity

6.1 Matters of design and layout will form part of any Reserved Matters application, subject to careful consideration being given to the need to adequately address and mitigate against any impacts on the residential amenities of the adjacent development, it is considered that the development can adequately safeguard residential amenity.

6.2 Furthermore, the plot sizes identified are considered to be of sufficient size to provide future occupants of the development with adequate levels of amenity.

6.3 Therefore, it is considered that the scheme accords with the requirements of Policy DC1 of the Breckland Core Strategy.

7.0 Ecology

7.1 An ecological briefing note has been provided with the application. At the time of writing this report, comments are awaited by NCC Ecology Service. A walkover survey was undertaken which concluded that the site is unlikely to support protected species. However, further survey work may well be necessary to establish whether there are reptiles and amphibians and reptiles likely to be present on site. Such surveys are restricted to certain times of the year and as such conditions could be imposed to require survey work to

be undertaken with the drawing up and implementation of mitigation strategies if protected species are identified in and around the site.

8.0 S106 obligations

8.1 It has been confirmed that 40% affordable housing would be provided in relation to the development. Issues relating to tenure and mix would be subject to discussions during the S106 negotiations.

8.0 Conclusion

8.1 In conclusion, it is considered that, on balance, the proposal would constitute a sustainable form of development as defined in paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity or highway safety and would not adversely impact upon the character and built form of the surrounding area. On this basis, the significant benefits deriving from the development would outweigh the harm by way of conflict with development plan policy as the proposal would form sustainable development when taking into account the Development Plan and policies of the NPPF as a whole.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3005	Outline Time Limit (2 years)	
3058	Standard Outline Condition	
3920	Highway Condition 1	
3920	Highway Condition 2	
2014	Criterion E - Planning Apps Where Approved	
3860	Non-standard drainage condition	
3739	Highway NOTE Inf 1	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged
3925	Fire Hydrants	This condition will require to be discharged

ITEM: 5	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1393/F	CASE OFFICER Natalie Levett
LOCATION: BESTHORPE Hartland Norwich Road	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr & Mrs K Annison Hartland Norwich Road	
AGENT: Jon Venning Architects Hardwick House Ipswich Road	
PROPOSAL: Construction of bungalow with detached garage/carport and siting of 2 No. living caravans and 1 No. touring caravan	

REASON FOR COMMITTEE CONSIDERATION

The application is being referred to Committee because the site is outside any Settlement Boundary.

KEY ISSUES

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Amenity Impact
- Highway Impact
- Impact on Trees

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the erection of one, three-bed, single-storey, detached dwelling on land known as Hartland outside the Settlement Boundary in Besthorpe together with detached garage/carport and the siting of two living caravans and one touring caravan. The two living caravans would be used for sleeping accommodation for the applicant's son, daughter or elderly parents.

SITE AND LOCATION

The site is approximately 0.1205hectares and of a rectangular shape measuring approximately 59m in length and 21m in width. The site is bounded by two residential properties to the north, residential property to the east, a business premises to the south and open agricultural fields to the west.

EIA REQUIRED

Not required.

RELEVANT SITE HISTORY

- 3PL/2016/1089/F: Erection of two storey dwelling with detached garage/store building (inc. removal of mobile home) - withdrawn
- 3PL/2009/0473/D: Erection of two bedroomed bungalow and double garage to replace one caravan - approved
- 3PL/2009/0045/O: Erection of two bedroomed bungalow and double garage to replace one caravan - approved
- 3PL/2005/0011/EU: Use of land for four living vans, siting of showman's vehicle and storage - permission

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable.

CONSULTATIONS

BESTHORPE P C

No objections.

NORFOLK COUNTY COUNCIL HIGHWAYS

It is noted that the small extension of the footway, required as part of the previous proposal, has been carried out and therefore, this Authority would not wish to restrict the grant of permission subject to condition.

CONTAMINATED LAND OFFICER

No objection.

TREE AND COUNTRYSIDE CONSULTANT

There are no significant arboricultural implications. The supplied report meets all required criteria although the tree protection plan based on the layout is missing from the report and should be provided.

REPRESENTATIONS

The Site Notice was originally displayed on 21st December 2016, advertised in the EDP and three neighbours were directly notified. A Site Notice was then displayed on 4th April 2017 to reflect changes in the application. The 21-day consultation period has expired. One letter of no objection has been received.

ASSESSMENT NOTES

1.0 Reason for Committee

1.1 The application is being referred to Committee because the site is outside any Settlement Boundary and recommended for approval.

2.0 Principle of Development

2.1 This application seeks full planning permission for the erection of a single-storey detached dwelling with a garage (including the removal of the existing mobile) and is submitted as a revised application following the withdrawal of application reference 3PL/2016/1089/F for a larger, two-storey property. The site is outside any Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where there is a Development Plan, decisions on planning applications should be made in accordance with it, unless material considerations indicate otherwise.

2.4 Paragraph 12 of the NPPF states that:

"Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

2.5 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.6 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.7 The application is for one market housing dwelling and it is not proposed to build it as an affordable dwelling. The site has been granted a Certificate of Lawfulness in 2005 for "Use of land for four living vans, siting of showman's vehicle and storage".

2.8 The application submission, in the Design and Access Statement, states that the Outline and subsequent Reserved Matters application 'has been acknowledged by the authority that the permission is extant as some excavation of foundations have been executed'. However, this is not the case as the "prior to commencement" conditions were not satisfied.

2.9 Notwithstanding the above, reference 3PL/2005/0011/EU was granted a Certificate of Lawfulness for the "use of land for four living vans, siting of showman's vehicle and storage" on 1st July 2005.

2.10 The residential use of the site appears to be based on an interpretation of the Certificate of Lawful Use. The lawfulness of that use is conclusively presumed on the date of the application. If, however, the use changes after that date, the certificate would no longer stand as it does not enure for the benefit of the land in the same way as a planning permission (Staffordshire CC v Challinor 2007).

2.11 As a result, given the information submitted, it appears that the current use is not in line with the Certificate of Lawfulness and a material change of use had taken place (which cannot be reverted back to as detailed within the Certificate without permission). It was decided that a Planning Contravention Notice would be issued to establish the actual use of the site.

2.12 Information was submitted and whilst a residential use is taking place, this is not in accordance with the Certificate of Lawfulness and arguably a breach of Planning. The applicant has said that their solicitor advised them that there was an unrestricted residential use on the site.

2.13 There are two issues i) operational development and the ii) use of the land.

2.14 The Certificate of Lawfulness was granted on the basis of moveable structures in the form of four living vans and a showman's vehicle. However, the current position of a static caravan, with brick infill around the caravan and steps up to the front door, is operational development and would require planning permission because it was not covered by the Certificate of Lawfulness.

2.15 The use of the site is materially different as the certificate was issued for the showman's vehicles, which were not permanent. The current static caravan has been constructed for permanence and is being used for a permanent dwelling.

2.16 Whilst it is acknowledged that residential use is taking place, it is clear that the current use is materially different from that which was granted under the Certificate of Lawfulness and would require planning permission. As a result of the above, the application is to be considered for the construction of a dwelling, detached garage/carport, siting of a touring caravan and two living vans ancillary to the main dwelling house outside of any Settlement Boundary rather than a replacement dwelling.

3.0 Design and Impact on the Character and Appearance of the Surrounding Area

3.1 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

3.2 The proposal would not be seen from public vantage points; the bungalow would be substantial on the land but it is considered that there would be sufficient amenity space. There would be minimal overlooking from existing adjacent properties of Boundary House and Field View Cottage onto the site, although a property is currently being built on land adjacent to the site to the east within the grounds of Northview that clearly overlooks the site. However, the applicant's proposal would not overlook that site due to the single storey building and boundary treatment. The applicant is aware of this and accepts that.

3.3 It is, therefore, considered that, the design is in keeping with the surrounding area, in compliance with Policy DC16.

4.0 Impact on amenity

4.1 Policy DC01 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

4.2 The application proposal would not create an environment detrimental to the amenity of the surrounding

area. The only detrimental impact would be the overlooking onto the site from the building under construction to the east of the proposed location of the dwelling. However, the applicant accepts this.

4.3 It is considered that there would not be a detrimental impact on the adjacent properties in terms of overlooking or loss of privacy. The proposal, therefore, accords with Policy DC01.

5.0 Highways Impact

5.1 The NPPF requires new developments to provide safe and suitable access to the site for all people. Policy CP04 seeks to ensure that all access and safety concerns are resolved in new developments.

5.2 The Highway Authority has advised that it is noted that the small extension of the footway, required as part of the previous proposal has been carried out and, therefore, the Highways Authority raises no objection subject to conditions.

5.3 It is considered that the proposal complies with Planning policies and guidance subject to conditions.

6.0 Impact on Trees and Hedges

6.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

6.2 There are no TPOs on or adjacent to the site. The Tree and Countryside Consultant advised that there are no significant arboricultural implications. The supplied report meets all required criteria, although the tree protection plan, based upon the layout, was not submitted and should be provided.

6.3 As a result, the proposal complies with Policy DC12 subject to the satisfactory receipt of the tree protection plan.

7.0 Other issues

7.1 Policy CP09 seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution.

7.2 The Contaminated Land Officer was consulted on this application and raised no objections. As a result, the proposal complies with Policy CP09.

8.0 Conclusion

8.1 Whilst the site is located outside of the Settlement Boundary, where the principle of development is not

accepted, given the location and proximity to the Settlement Boundary and taking recent appeal decisions for other proposals in Besthorpe into account, the application is recommended for conditional approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)
3047A	In accordance with submitted plans NEW 2017
HA24	Provision of parking and servicing - when shown on plan
3302	No P.D. for extensions, roof alterations, porches
3310	No alterations to lose garage
3541	Use as ancillary accommodation only
3920	Approval of tree protection measures prior to commencement
9850	Non-std NOTE
3996	Note - Discharge of Conditions
4000	Variation of approved plans
2001	Application Approved Following Revisions
2014	Criterion E - Planning Apps Where Approved

ITEM: 6	RECOMMENDATION:
REF NO: 3PL/2016/1539/F	CASE OFFICER Rebecca Collins
LOCATION: WATTON Development at the Old Carpenters Arms Swaffham Road	APPNTYPE: Full POLICY: In Settlement Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: Y
APPLICANT: S & A Jones Developments Ltd c/o Agent	
AGENT: David Futter Associates Ltd Arkitech House 35 Whiffler Road	
PROPOSAL: Residential Development for 23 dwellings with associated access roads, parking, garaging and amenity space	

REASON FOR COMMITTEE CONSIDERATION

This application is referred to Committee as a major development proposal.

KEY ISSUES

Principle of development and policy matters
Local character and amenity
Transport and highway safety
Other matters
Conclusion

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for a development of 23 dwellings, together with the demolition of an existing semi-derelict dwelling. A mixture of two, three and four bedroomed houses and bungalows are proposed, including six affordable units. The dwellings would be accessed via a new adoptable estate road. Two new accesses would be formed onto Swaffham Road and a new footway provided on the site frontage. The application is supported by a Planning Statement, Design & Access Statement, Ecological Survey, Flood Risk Assessment, Arboricultural Assessment and Contamination Risk Assessment.

SITE AND LOCATION

The site is located within the defined Settlement Boundary for Watton and is situated in a residential area approximately 800 metres to the west of the town centre. The site extends to around one hectare. Previously the site included a semi-derelict house and outbuildings (now demolished), surrounded by rough grassland. The boundaries of the site are mainly delineated by established hedges and trees and close boarded fencing. The western boundary of the site is bounded by a public footpath. Previously planning

permission was granted for 23 dwellings on this site and construction works have commenced.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2015/1322/F - 23 Dwellings (approved)

3PL/2017/0818/VAR - Variation of condition 2 of 3PL/2015/1322/F (awaiting determination)

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.05	Developer Obligations
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
NPPF	National Planning Policy Framework, including paragraphs 6-9, 14, 17, 32, 49, 50, 58 and 109.
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

A Section 106 Agreement is being drafted to secure the provision of affordable housing (6 dwellings). Previously an education contribution to local schools of £16,634.00 for the infant school and £27,447 for the seniors academy was sought. The County Council have responded to this application seeking £69,864, a fire hydrant and a library contribution of £1,725.

CONSULTATIONS

WATTON TOWN COUNCIL

The area is now a building site and does not match the description given in the revised application of the site being currently vacant and predominantly a meadow. Councillors were all in favour of recommending refusal of this application and would like assurance that the town will be compensated if the application is accepted

and a loss of affordable housing results. The condition of the original planning permission of 9 affordable houses should remain and should not be relaxed in any way.

ENVIRONMENT AGENCY

No objection, subject to notes with regards to contamination and SUDs.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions and notes with regards to further submission of details showing the design of the roads, the construction of the roads shall be in accordance with approved details, visibility splays, car parking to be laid out prior to first occupation, provision of on site parking for construction and offsite highway works.

HOUSING ENABLING OFFICER

Affordable housing provision proposed is considerably below that stated in policy DC4 is proposed on grounds of viability. In order to confirm what the scheme is capable of providing, the submitted viability analysis should be submitted for external testing.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions with regards to working hours and noise.

RAMBLERS ASSOCIATION: NORFOLK AREA

No objection, providing Watton BR1 is kept open throughout any works and any damage to it is repaired without delay. The applicant should be required to ensure that arrangements made along the west of the site accommodate all legitimate users of this bridleway - the Design and Access Statement refers to it as a footpath, but as a bridleway, it can be used also by cyclists and horse riders.

HISTORIC ENVIRONMENT SERVICE

No comments.

FLOOD & WATER MANAGEMENT TEAM

No objection, subject to conditions.

ANGLIAN WATER SERVICE

No Comments Received

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

SAHAM TONEY P C

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

No Comments Received

REPRESENTATIONS

Two letters of representation have been received, stating the following:

Permission to develop the site was approved less than a year ago and building work on the site has been underway for many months. Now the developer wants to change the amount of affordable housing because of its (non)viability. The proposed provision of affordable housing would then fall well below the level set by Breckland Councils Planning Obligation Policy. I think the developer should be obliged to complete the site to the original approval, or clear the site of all part built houses and return the whole area to a clean site laid to

grass.

A further concern was raised by 27 Swaffham Road who are principally concerned about a footpath being proposed adjacent to their property as it will put at risk an ancient hedge, there is no need for this footpath as there is an existing one and road crossing, it will compromise this properties existing car parking, the objector disputes that there is sufficient space and the submitted plans are not clear to demonstrate this.

ASSESSMENT NOTES

Principle of development and policy matters

The application site is located within an established residential area in the main built up area of the town. Watton is identified in the Council's Spatial Strategy as a mid-sized market town which provides a range of services and facilities to meet the day-to-day needs of residents. Local planning policies permit new housing in locations such as this, provided that certain criteria are met, including in relation to effects on local character, amenity and traffic. Moreover, the site is allocated for housing development by Policy W4 of the Council's Site Specific Policies and Proposals DPD (2012).

The proposed development would be close to other housing and would be in easy reach of local facilities and services, which would be likely to derive some support for future residents. The development would add to the range of housing available in the area, and its construction would provide some economic benefits, albeit temporary. The site could also be developed without causing material harm to the character of the area or local amenity (see below).

Policy DC04 of the Core Strategy requires developments of 10 dwellings or more to deliver 40% of the development (nine units) would be provided as affordable housing. The applicant has submitted information, which has been independently assessed by the District Valuers (DV). The information submitted demonstrates that the scheme can only viably provide 6 dwellings. Contributions would also be made to the provision of local infrastructure in the form of financial contributions to improvements to local schools. These provisions would be secured by a section 106 agreement.

Planning permission has previously been granted for this site for the same number of dwellings, with only very small minor amendments to the layout only changing the house type of plots 15 and 16 and moving them back slightly from the highway.

Taking these considerations into account, it is concluded that the development of the site for housing is acceptable in principle.

Local character and amenity

As set out above, the only change to the design/layout of the site is a change of house type to plots 15/16 and moving them back slightly from the highway.

The proposed development would comprise a mixture of houses and bungalows of broadly traditional design. Two storey dwellings are proposed on Swaffham Road; these would follow the existing pattern of linear development and would be consistent in scale and design with nearby properties. Within the main body of the site, a mixture of houses and bungalows are proposed; these would be arranged to create a well defined and cohesive street scene, with visual interest provided by variation in building heights, orientation and

detailed design. The density of the proposed development (23 DPH), although slightly greater than that envisaged in Policy W4, would not be high and would be compatible with the general character of the area.

The proposed layout is such that the public footpath adjacent to the west would be bounded by rear gardens. Existing trees and hedging on this boundary would be maintained, and all dwellings would be located outside the relevant root protection areas. As this arrangement is similar to that which exists elsewhere along the route, the semi-rural character of the footpath would be maintained. Elsewhere, existing hedging along the site frontage would be removed to provide for the new accesses and footways. Some low value trees would also be lost within the site itself. Whilst the loss of the roadside hedging would cause some disruption to the street scene, opportunities would be provided for new landscaping within the proposed layout. Suitable new planting would mitigate any adverse effects and could be required by planning condition.

Given the largely undeveloped and open nature of the site, the proposed development would inevitably have some impact on the amenities enjoyed by nearby residents. However, the scheme has been designed so as to minimise any harmful effects. Single storey properties are proposed generally on those parts of the site that immediately adjoin existing residential properties, including those on Heys Yard immediately to the south. Where two storey houses are proposed, only flank elevations would face towards the neighbouring properties. Adequate separation distances would also be maintained. The proposal would also have some visual impact on existing properties on the opposite side of Swaffham Road, but given the degree of separation it is not considered that such effects would be significant. Neighbouring dwellings to the west would be well screened by existing trees / hedging. Some disturbance would be caused due to increase activity and traffic, but given the scale of the development, this would not exceed that which could reasonably be expected within a built up residential area.

For these reasons, it is considered that the proposal would be in keeping with the character and appearance of the area and would not result in any significant adverse effects on residential amenity. The proposal would thus accord with Core Strategy Policies DC01, DC11 and DC16, and with relevant guidance in the NPPF.

Transport and highway safety

Local services and facilities, including those in the town centre, would be readily accessible from the development either on foot or bicycle. Regular bus services are also available nearby. The development would also enjoy good access to the primary road network. Given the good standard of local roads and the scale of the proposal, it is not considered that the level of traffic generated by the development would be likely to have any significant effect on traffic conditions in the area. The NPPF indicates that development should only be prevented on transport grounds where the residual cumulative effects would be severe.

Two new accesses are proposed onto Swaffham Road to serve the proposed development. Appropriate visibility splays would be provided to each entrance. The proposed estate road would also meet relevant highway standards. Some detailed revisions have been made to the layout of the road as recommended by the Highway Authority. Parking would be provided in accordance with adopted standards, mostly within plots. A new footway would be provided along the site frontage, together with two lay-bys to provide additional visitor parking.

A letter of concern has been raised by a neighbouring property with regards to the proposed footway off Swaffham Road, this is as per the previous approved scheme and within the extent of the highway not the applicants property. On this basis and as these works have already been approved, subject to the conditions as recommended by the highways authority the proposal is considered acceptable and that safe and suitable access would be provided.

Planning Obligations

As set out above, previously the scheme was to provide 9 affordable units. This revised application has been submitted with an accompanying viability assessment, which has been independently assessed by the DV. They came to the conclusion that only 6 affordable units could be delivered, taking into consideration no other financial contributions.

The previous permission sought to secure £44,083 education contributions. The County Council have responded to this application and have requested £69,864. They have also requested a library contribution of £1,725. The applicants have submitted a viability report to demonstrate the limited viability of the scheme. The DV have assessed the submitted information and concluded the scheme is only viable to provide 6 affordable units without other section 106 contributions. Therefore, there is insufficient viability within the scheme to provide the additional monies requested. On this basis the education contribution is to remain at £44,083 as per the previous s.106 agreement.

The necessity for a fire hydrant can be the subject of a condition if planning permission was granted.

Other matters

Drainage

This is as per the previously approved application, the site is situated with Flood Zone One (low probability of flooding). The submitted Flood Risk Assessment indicates that due to ground conditions, the site is not suitable for infiltration drainage. It is proposed therefore to direct surface water flows to a nearby ditch system. These flows would be attenuated to the existing greenfield run-off rate, using oversize pipes and underground storage tanks, to ensure that the development would not increase the risk of flooding elsewhere as required by the NPPF. Foul drainage would be to the existing public sewer. The Lead Local Flood Authority and Environment Agency raises no objection subject to the imposition of conditions and notes.

Contamination

Policy 11 of the NPPF aims to prevent unacceptable risks from pollution. The matters of contamination can be dealt with through the imposition of conditions. The proposal is therefore considered in accordance with policy 11 of the NPPF.

Conclusion

Given that the scheme is not materially different from that previously approved and that the DV have confirmed that the site can not viably deliver 9 affordable houses but would still provide 6 affordable units and education contributions. On the basis, the proposed development would be well related to existing development in this part of the town and would not cause any significant harm to local amenity. Local services and facilities would be readily accessible and would be likely to derive some support from future residents. The scheme would make a positive contribution to the supply of housing in the area and would provide some economic benefits and help maintain the vitality of the local community.

Accordingly, it is considered that the proposal would amount to a sustainable development, as defined in the NPPF, to which the presumption in favour applies. The proposal is therefore recommended for approval subject to conditions and the completion of a Section 106 Agreement.

RECOMMENDATION

CONDITIONS

3007	Full Permission Time Limit (3 years)	
3047A	In accordance with submitted plans NEW 2017	
3750	Non-standard highways condition	
HA03A	Road Surfacing	
HA39B	Highway improvements off-site B	
3943	Contamination found during development	
3920	Non-standard condition	
3992	Non-standard note re: S106	
3996	Note - Discharge of Conditions	
4000	Variation of approved plans	
AN60	NOTE NCC Inf 1 When off-site road improvements are required	
AN61	NOTE NCC Inf 2 When Vehicular access works required	
2014	Criterion E - Planning Apps Where Approved	
2001	Application Approved Following Revisions	
3104	External materials to be approved	This condition will require to be discharged
DE08	Slab level to be arranged	This condition will require to be discharged
3408	Landscaping - details and implementation	This condition will require to be discharged
3405	Fencing/walls - details and implementation	This condition will require to be discharged
3414	Fencing protection for existing trees	This condition will require to be discharged
3940	Ecological surveys/mitigation	This condition will require to be discharged
3935	Construction management	This condition will require to be discharged
HA01	Standard estate road conditions	This condition will require to be discharged
HA02	Standard estate road condition	This condition will require to be discharged
HA39A	Highway improvements-offsite A	This condition will require to be discharged
3802	Precise details of surface water disposal	This condition will require to be discharged

ITEM: 7	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1552/F	CASE OFFICER Rebecca Collins
LOCATION: HOCKERING Hill House Park Lane	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Hill House Commercial Property c/o The Agent	
AGENT: Freeths LLP Cumberland Court 80 Mount Street	
PROPOSAL: Demolition of existing buildings and redevelopment comprising 14 residential dwellings together with associated access, landscaping and boundary treatments.	

DEFERRED REASON

REASON FOR COMMITTEE CONSIDERATION

This is a major residential development which is contrary to the development plan.

KEY ISSUES

Principle
Character
Amenity
Highways
Other matters
Conclusion

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing commercial building 'fresh direct' and its replacement with 5 dwellings. A further 9 dwellings are to be located to the north of Park Land in two parcels either side of a long linear strip of agricultural/grass land.

The proposal is therefore for full planning permission for a total of 14 two-storey detached dwellings of 4 bedrooms or more and associated garages.

SITE AND LOCATION

The application site is located to the east of Hockering and the north of the A47 and would be located either side of Park Lane which starts and finishes off the A47. There are a smattering of other residential properties off Park Lane. Park Lane primarily consists of large detached properties set in large plots. All of the existing properties at this end of Park Lane and visible from the application site are located to the south of this road.

Fresh Direct is located on a brownfield site to the south of Park Lane. This is a large corrugated metal constructed building surrounding by hardstanding. To the boundaries of the site is metal fencing and hedges. To the southern boundary with the A47 is dense trees.

To the north of Park Lane is greenfield/ agricultural land, set behind hedges with hedge boundaries running along the boundaries of the site and some hedge trees. In the distance banks of trees are visible. There is a footpath running along the eastern boundary of the application site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.03	Employment
CP.04	Infrastructure
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework

NPPG National Planning Practice Guidance
TH14 ESCo/MUSCo

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

Highways have objected to the proposals on the grounds that the application site is not in a sustainable location and even with the proposed footway works the environment adjacent to the A47 is not conducive for parents and children and therefore would not be used.

Visibility sight lines at both the eastern and west points of connection with A47 are restricted by overgrown vegetation in the Trunk Road verge but as the traffic is less than that generated by Fresh Direct and within the trunk road no works are required.

The site is not considered appropriate for residential development due to its poor sustainable links with Hockering village.

CONTAMINATED LAND OFFICER

No objection subject to the imposition of conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to conditions.

RAMBLERS ASSOCIATION: NORFOLK AREA

No objection, providing Hockering FP5 is kept open throughout any works and any damage to it is repaired without delay.

ENVIRONMENT AGENCY

No objection subject to comments with regards to Drainage and SUDs being brought to the attention of the applicants.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions with regards to noise and foul and surface water drainage.

PRINCIPAL PLANNER MINERAL & WASTE POLICY

While the application site is partially underlain by a Mineral Safeguarding Area (Sand and Gravel), it is a small area adjacent to the road and it is considered that it would not be practicable for prior extraction regardless of mineral quality. Therefore, needless sterilisation of mineral resources would not occur as a result of the proposed development.

HOUSING ENABLING OFFICER

The viability assessment should be subject to external testing to determine whether any contribution can in fact be made.

EAST TUDDENHAM P C

There will be lots of construction traffic trying to get onto and off the A47 which is extremely busy. Once completed the dwellings will attract at least 28 cars . If trying to turn right, westbound, this will be extremely

dangerous on this busy and fast stretch of road. We believe there have been frequent accidents on this stretch of the A47. Also, all the proposed dwellings are high value, prestige properties without provision for affordable housing, this is not acceptable. Finally, this is a commercial site there are no local amenities, i.e shops, pub etc and the local schools and doctors are already full .

HOCKERING P C

This application could set a dangerous precedent for further development on this greenfield site and damage the rural nature of the surroundings. In spite of Highways England saying they have no concerns about traffic entering and leaving here, the parish council choose to rely on their local knowledge of the area, of many years experience and state that this is a dangerous locality for a housing development. It would also present a considerable problem if the A47 were ever to be dualled.

HIGHWAYS ENGLAND

No objection.

NORFOLK FIRE AND RESCUE SERVICE

No objection subject to a condition with regards to requiring a fire hydrant.

HISTORIC ENVIRONMENT OFFICER

No objection subject to the imposition of an archaeology condition.

NATURAL ENGLAND

No objection but refers to national guidance.

NORFOLK WILDLIFE TRUST

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

REPRESENTATIONS

No comments received.

ASSESSMENT NOTES

Principle

The application site lies outside any designated settlement boundary and on agricultural/grassed land. Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009) aim to restrict development outside of settlement boundaries. The proposal is therefore considered contrary to these policies.

Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

The NPPF identifies three dimensions of sustainable development.

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required, as set out below:

Environment - The application site is located approximately 800m from Hockering. The Highways Authority has raised concerns with regards to the sustainability of the location of the site and access to public services. The application site although in reasonable distance of Hockering, the linkages between the settlement and Park Lane are poor, marked by a footway running adjacent to the A47, which becomes increasingly narrow as you approach the application site, it is not lit and has no safety barrier. It would therefore be intimidating for people to walk along this route to Hockering. On this basis the Highways Authority considers that this site is physically detached from Hockering and in an unsustainable location.

The applicants have suggested improvements to the footway adjacent to the A47, to be secured via condition or s.106 agreement, which raise no objection from the Highways Agency who are also planning improvements along this part of A47 to make it dual carriageway. This could result in the bypassing of the A47 away from the application site. However, this application must be considered in the current context and on its own merits. As the exact scheme for the widening of the A47 is yet to be agreed and a timescale for works adopted, it is considered that the proposed improvements to the footway would be the best option if this site were to obtain planning approval. Despite this the Highways Authority retain their objection to the proposals.

The NPPF states that good design is key to sustainable development. The proposal includes 14 very large, detached dwellings, all with double garages/car ports. Although, the dwellings themselves are well designed and detailed, they are large in the context of this area. The applicants have stated that the design is market lead and has been on the advice of local agents and a driven by a local desire for larger house types. The actual design has been amended on the advice of the officer to make garages/car ports less prominent in the street scene and the eaves and ridge height of House Type 2 lowered to reduce its impact in the street scene.

The site layout itself could appear at odds in the street scene with development stretching into fields to the north of Park Lane and with the strip of grassed land in between the two 'fingers' of development.

Economic - The proposal is likely to generate some employment through the construction of the dwellings and the removal of this existing Fresh Direct building. Although, this is not significant in itself and likely to be short term.

The scheme has been planned and designed to raise funds to help to facilitate the relocation of the site owners business, Sourdough, so as it can relocate to larger premise (from the site it has at Rashes Green, Dereham). The applicants state that the business currently employs 19 staff, the current premise on Charles Wood Road does not provide suitable accommodation for the business to operate effectively and there is currently insufficient space to meet customer demand. The company is expected to increased turnover over by £17.5 million over the next 5 years, creating 86 new jobs. In order to deliver this growth, the business requires new premises. Some LEP funding has already been secured, however, the remaining funds are to be secured through this planning permission for 14 dwellings (as per the application) on land outside the

designated settlement boundary in Hockering, currently owned by the applicant. Part of the site, is brownfield land (land to the south of Park Lane) currently occupied by Fresh Direct. At this stage there are 2 potential relocation sites within the District.

Within the applicants submission they propose a planning obligation to be agreed if the application was considered acceptable, to contain a local recruitment and training agreement to ensure the new jobs are targeted at local people and that opportunities for training are also provided. The applicants state that they wish to stay within the District to retain existing staff. The Planning Obligation could also set out that the new premises will be located within the District. It will also set out strict delivery schedules, tied to the relocation of the business.

The applicants have submitted a Business Plan that has been independently assessed by an Economic Development Consultancy appointed by the Council. They met with the applicant to review the assumptions made in the Business Plan and concluded the applicant has a well run business, capable of expanding based on a high quality product and with the move to larger premises and a more efficient production line the proposed Turnover target for the coming 3 years appears achievable. They reported that the business has great potential and is well positioned to capitalise on the growth of the Sourdough market and the assumptions used to develop the financial forecasts are well thought through and based on current trading experience. The management controls and information used seem appropriate for the business in its current structure and information provided on sales potential and opportunities supported the top line sales forecasts within the plan.

The review also stated that delays in receiving Planning Permission will impact on the company's ability to grow and take on new customers and failure to secure planning permission would mean the agreed Private Equity loan will be withdrawn and the funds will not be available to complete the move or equip the new site.

The applicant therefore has the potential to have significant economic gains through the facilitation of the expansion of the Sourdough business.

Social - some social benefit will be provided through the provision of housing. However, there will be no provision of affordable housing as the applicants have submitted viability information to demonstrate that the scheme would not viably provide affordable housing. The viability information submitted has been independently reviewed by the District Valuers (DV).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF state that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The southern side of Park Lane, where fresh direct sits is considered to be a brownfield site. Paragraph 17 of the NPPF encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. On this basis there is a presumption in favour of developing the land to the south of Park Lane. The development of land to the north of Park Lane is not supported in principle by policy. However, it is considered that the proposed development could create jobs (through allowing the expansion of the business) and support sustainable economic growth, through the relocation of Sourdough. This is supported in paragraphs 19 and 20 of the NPPF, which aim to support and encourage sustainable growth. To help achieve this, paragraph 20 states that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Policy CP03 of the Core Strategy aims to deliver 6,000 jobs in the District by 2021.

As set out above the proposal is considered in principle contrary to policies within the development plan which seek to restrict development in the open countryside. The proposal also has the potential to impact the character and appearance of Park Lane and the wider landscape (this is further discussed below). However, other material considerations such as part of the site is brownfield land, the provision of an upgraded footway adjacent to the A47 to allow access to Hockering and the potential expansion of an existing business within the District. On balance these material considerations are considered to outweigh the impacts of the development on the open countryside and given the distance of the site from Hockering and the limited numbers of dwellings proposed, the principle of development in this location is accepted.

Character and appearance of the area

Park Lane is a narrow rural road, with no public footway, which links at both ends to A47. Noise from the A47 is audible along Park Lane, despite it not being visible due to vegetation on its boundary with properties to the south of Park Lane. At this end of Park Lane, the southern side is dominated by Fresh Direct, a large corrugated metal building surrounded by hardstanding, as well as being located behind vegetation at the boundaries of the site. There is a reasonably large white rendered property to the south of but abutting Park Lane and a large red brick property set back from the highway behind a high brick wall also to the south. There are two other properties to the south of Park Lane and two properties at the opposite end of Park Lane.

To the north of Park Lane is open, grassed land boarded by dense hedgerows. The application site extends north from Park Lane in two distinct 'fingers' of development with a grassed area to remain in-between. There is a public footpath which runs along the eastern boundary of the site providing views of the application site.

The applicants have submitted a Landscape and Visual Impact Assessment, which concludes:

'Other than a the area of overgrown rough grassland, the internal components of the site offer little in the way of landscape value however the more established vegetation structure and mature hedgerows along the boundaries provide a high degree of containment and visual separation from the A47 and immediate adjoining fields to the west. The existing agricultural shed occupied by Country Fresh forms a notable urbanising feature within the immediate landscape fabric, which when combined with the busy A47 road corridor, detracts from the remoteness and tranquillity of the application site'.

They go on to say that 'the proposals have adopted a sensitive landscape led approach. The proposed layout has considered the local urban grain to ensure that the proposals can be integrated in this location. Proposed planting will be incorporated to reinforce the existing site boundaries and also create a high quality environment in which to live. The proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location, is supportable from a landscape and visual perspective'.

The officer has raised significant concerns with this assessment, given that the northern and southern sides of the site are distinctive parcels with very different landscape impacts. The absence of a footway on Park Lane does not mean that people were not walking along it, especially to access to the public footpath to the west of the site. It is considered that the site would have a visual intrusion on the landscape and the proposals for additional planting to provide 'containment' for the dwellings have not been properly assessed either in terms of their impact on the landscape i.e. how odd would it look to have two parcels of trees with a gap in the centre of an otherwise open landscape and if acceptable how long would the proposed planting take to establish and what would be the short and medium terms impacts of waiting for this to happen?

Further information has been provided but it does not address the officers concerns. It states that 'due to the small nature of the site, it is considered that its landscape character does not significantly change between the northern and southern extents. All parcels of land are located within close proximity to the A47 corridor, alongside Park Lane and existing built form, which also falls within the southern site parcel. It is considered that these elements reduce the perceived tranquillity of the application site as an entirety, and influence the landscape character of the site and its immediate setting'. The officer disagrees that the northern parcel of the site is unduly undermined by the A47, as you can't see it or that the development on the southern side of Park Lane is significantly distanced from the northern parcels.

In response, the additional LVIA information submitted states that the 'landscape impacts of the proposed development during construction is not typically undertaken as part of a small scale LVIA . . . It is considered that the proposed construction can be mitigated through careful construction practises'. It is considered that given the applicants are relying on planting to screen the development a short, medium and long term assessment would be appropriate for this site. The applicant does not state what the careful construction practices are that would limit the impacts of the development. The applicant proposes to construct dwellings to the north of Park Lane initially, therefore the impacts on the landscape would be from the commencement of development.

The officer made reference to the Breckland District Landscape Character Assessment (2007) which highlights the sites 'tranquil and sparsely settled character' with small to medium pastoral fields; and tree lined and wooden skies. The applicant states 'this is a broad brush assessment and fails to take into consideration the local character which is dominated by Fresh Direct and A47'. The officer believes this is only true for land to the south of Park Lane.

The application proposes very large dwellings. House type 2 has been amended to reduce its ridge height from 9.8 metres to 9.3 metres, although, still high this is considered to be an improvement on the initially submitted scheme. The LVIA states that an existing bank of trees, albeit some distance from the proposed dwellings application site would provide screening as it is approximately 10m in height.

Photomontages showing the proposed development have also been provided. The officer retains concerns with regards to the extent of the landscape impacts. It is considered that the overall landscape impact from development to the north of Park Lane would be significant and observed by receptors walking along Park Lane and the public footpath contrary to policies 6 and 7 of the NPPF and Policy DC16 of the Core Strategy as the development of land to the north of Park Lane would fail to preserve or enhance the existing character of the area. The development would fail to provide a range of choice of housing with no affordable housing or smaller house types/bungalows and would not compliment the natural landscape. Without context and given that there is no overriding pattern to development along Park Lane the dwellings themselves are well designed and detailed and amendments have been made to the scheme to relocate garages to be less prominent in the street scene, ensure windows face the public footpath to the east for surveillance and the ridge height of house type two has been reduced.

Despite the officers concerns with regards to the landscape impacts of the development, this proposal would facilitate the expansion of an existing business within the District, this could arguably outweigh the concerns as set out above and subject to the use of good quality materials and good quality hard and soft landscaping, the development is recommended for approval.

Amenity

The dwellings, as proposed, provide good separation distances between each other and existing properties. Subject to the proposed mitigation measures with regards to mitigating noise from the A47 and the scrapyards, it is considered that any impacts on the amenity of future occupants could be dealt with via the

imposition of conditions and on that basis the proposal is considered in accordance with policies DC01 of the Core Strategy and Paragraph 17 of the NPPF which seek to protect the amenity of existing and future occupants.

Highways

The Highways Authority have objected to the proposal on highway safety grounds. Despite the site being in reasonable proximity to Hockering, the Highways Authority have raised concerns with the suitability of the walking route adjacent to the A47. The applicants have proposed to increase the width of the footpath to 2 metres with a 1 metre verge. Highways England raises no objection to the proposed works. It is considered that these works could be secured via a suitably worded condition or s.106 agreement. On this basis the proposal is considered acceptable and in accordance with Policy 4 of the NPPF.

Other matters

Trees

Policy DC12 of the adopted Core Strategy aims to protect trees and hedges. The development seeks to retain the majority of trees and hedges on site, which are primarily located to the boundaries of the site. On this basis the proposal is considered acceptable, subject to suitably worded conditions to protect the relevant trees and hedges during construction.

Contamination

Policy 11 of the NPPF aims to prevent unacceptable risks from pollution. The matters of contamination can be dealt with through the imposition of conditions. The proposal is therefore considered in accordance with policy 11 of the NPPF.

Rights of way

The adopted public footpath to the east of the site, runs outside of the application site, therefore any works are unlikely to impact its use. If works did affect the safe use of this footpath, the applicants would have to apply to Norfolk County Council for a temporary stopping up order. On this basis the proposal is considered acceptable.

Drainage

Policy 10 of the NPPF aims to ensure that new development does not increase flood risk elsewhere. The applicant has not submitted full details of how the site would be drained to prevent risks of flooding and on this basis a condition is required requiring additional details to be submitted.

Heritage

Policy 12 of the NPPF seeks to conserve and enhance the historic environment. The proposed development is located in an area where a wide range of multi-period artefacts have previously been recorded. These artefacts range in date from the prehistoric to the post-medieval period. Some of the discoveries include Roman, medieval and post-medieval coins as well as Late Saxon to post-medieval metalwork. Consequently there is potential that heritage assets with archaeological interest (in the form of buried archaeological remains) will be present at the site and that their significance would be adversely affected by the proposed development. The proposal is therefore recommended for approval subject to a condition requiring a programme of archaeological mitigatory work in accordance with National Planning Policy Framework paragraph 141 to be submitted.

Fire Hydrant

The Norfolk Fire and Rescue Service has requested a condition for the provision of a fire hydrant, this would be added as a condition to any subsequent permission, to ensure adequate water infrastructure provision is

made on site for the local fire service to tackle any property fire.

Conclusion

On balance and as set out above, the proposal lies outside any designated settlement boundary and is detached from Hockering in a potentially unsustainable location. The proposal would have impacts on the character of the landscape to the north of Park Lane. The proposal is therefore considered contrary to policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009).

The land within the application site, to the south of Park Lane, is considered to be brownfield land suitable for redevelopment, supported by Policy 6 of the NPPF and CP14 of the Core Strategy. The proposal would involve the removal of an otherwise unsightly building, albeit currently largely blocked from view by existing vegetation. Development on this side of Park Lane would also follow the current grain of development in this location.

Paragraph 12 of the NPPF states that development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise. In this instance it is considered that the applicants proposal to use the profit from the development of this site to expand their business, creating additional local employment opportunities, is considered to be a significant other material planning consideration. The applicants have demonstrated that the existing business has the ability to grow and that there are potential sites within the District to relocate to. The expansion of business is support by Policy 1 of the NPPF and Policies CP03 and DC06 of the Core Strategy and the application is recommended for approval on this basis.

Approval is subject to conditions and the signing of a section 106 agreement to contain a local recruitment and training agreement to ensure the new jobs are targeted at local people and that opportunities for training are also provided. The new premise will be located within the District. The housing as proposed will be delivered alongside the relocation of the business. In addition, off site highway works will be the subject of a condition or s.106 agreement, to ensure an improved footway is delivered adjacent to the A47 to better connect the site with Hockering.

RECOMMENDATION

Planning Permission

CONDITIONS

3006	Full Permission Time Limit (2 years)
3047A	In accordance with submitted plans NEW 2017
9850	Contamination, SUDs and Foul Drainage - EA comments
AN79	Note non standard re: S106
AN81	Discharge of conditions
AN86	Application Approved Following Revision
CL03	Unexpected Contamination
LS14	In accordance with Arboricultural report
3518	Development in accordance with noise report
3994	Footway works note

BRECKLAND COUNCIL - PLANNING COMMITTEE - 31st July 2017

3940	Fire Hydrant	
3750	Non-standard highways condition	
3802	Precise details of surface and foul water disposal	This condition will require to be discharged
AR01	Archaeological work to be agreed	This condition will require to be discharged
CL02	Desk study/ site investigation	This condition will require to be discharged
LS01	Landscaping scheme to be submitted - hard and soft	This condition will require to be discharged
LS09	Boundary treatment to be agreed	This condition will require to be discharged
MT03	External wall, windows, door and roof materials to be agreed	This condition will require to be discharged

ITEM: 8	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0035/F	CASE OFFICER Chris Hobson
LOCATION: BAWDESWELL Hall Road	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Property 192 c/o Parker Planning Services	
AGENT: Parker Planning Services Ketteringham Hall Church Road	
PROPOSAL: Residential development of 40 dwellings, open space, associated infrastructure and vehicle access via Hall Road	

REASON FOR COMMITTEE CONSIDERATION

This application is before committee as it is a major application and represents a departure from the development plan.

KEY ISSUES

The main issues that need to be considered are:

Principle of Development and Deliverability
Impact on the landscape character and appearance of the area
Access & Highway Safety Implications
Amenity implications
Drainage & flood risk
Landscaping & Ecology
Heritage and archaeological implications
Other material considerations

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of 40 dwellings and associated access, parking, landscaping and areas of public open space. The proposals comprise a mix of single and two storey detached and semi-detached houses and apartments providing eight one bedroom apartments, four two bedroom dwellings, 21 three bedroom units, five four bedroom dwellings and two five bedroom dwellings. Of these the proposals include the provision of 16 affordable dwellings, comprising eight apartments which would be provided within two storey apartment buildings, four two bed houses, and four 3 bed houses. Two areas of public open space would be provided, a larger area of open space along the northern boundary including a local area of play and smaller area in the southeast corner of the site. Vehicular access would be provided off Hall Road and result in a new priority arrangement into the application site.

The application has been amended during the lifetime of the application to reduce the number of dwellings from 44 to 40, amend the internal layout of the development.

SITE AND LOCATION

The application site comprises an area of approximately 1.67 Ha of open land roughly rectangular in shape to the south of Two Fields Way and west of Hall Road, Bawdeswell. The site is located towards the southern edge of the village of Bawdeswell and two storey dwellings border the site to the north, east and partially along the western boundary. The site borders an open field to the south, with the Fakenham Road, (A1067), further to the south. A public footpath runs along the northern boundary of the site and the site is largely open containing rough grassland with collections of trees and hedgerows along the boundaries.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2015/1424/F - Residential development of 36 dwellings - Resolved to approve.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

Policy SS1 Spatial Strategy
Policy CP1 Housing
Policy CP4 Infrastructure
Policy CP5 Developer Obligations
Policy CP10 Natural Environment
Policy CP11 Protection and Enhancement of the Landscape
Policy CP13 Accessibility
Policy CP14 Sustainable Rural Development
Policy DC01 Protection of Amenity
Policy DC02 Principles of New Housing
Policy DC04 Affordable Housing Provision
Policy DC11 Open Space
Policy DC12 Trees and Landscape
Policy DC13 Flood Risk
Policy DC14 Energy Generation and Efficiency
Policy DC16 Design
Policy DC17 Historic Environment
Policy DC19 Parking Provision

National Planning Policy Framework (NPPF)

With particular regard to paras 11 - 14, 17, 32, 34, 35, 47, 49, 58, 63 - 65, 93-96, 100 - 103, 109 203 - 206 & 215.

National Planning Practice Guidance (NPPG)

Sections 66 and 72 of the Planning, (Listed Building and Conservation Areas), Act 1990.

OBLIGATIONS/CIL

A Section 106 Agreement would be necessary to secure the provision of on site affordable housing; the provision and on going maintenance of public open space and play facilities; financial contributions towards education facilities and library services.

CONSULTATIONS

BAWDESWELL PARISH COUNCIL

Object for the following reasons:

- The District currently has a 5 year supply of housing land and the proposals would conflict with planning policy.
- The proposals would impose an impossible burden on the very limited services in a small village
- The PC can see no possible justification for adding to the schools capacity problems.
- No doctors surgeries and no public transport to the closest surgeries outside the village.
- There are virtually no employment opportunities in the village.
- Have to share our one small village store with other local villages and this has resulted in parking problems and traffic congestion around the shop. Post Office, situated in the church is open twice a week for three hours.
- The areas surrounding this site have a history of drainage problems which Anglian Water have not been able to solve.
- An additional 44 dwellings would result in a massive increase in the amount of vehicles used in the area, this is evidenced by the plans showing 88 allocated parking spaces and 24 garages. The only entrance and exit to the Hall Road and Two Fields Way developments is via the junction of Hall Road and Norwich Road. A major incident or traffic accident occurring on the Hall Road approach to Norwich Road would result in all of the Hall Road, Two Fields Way and this site being totally inaccessible to vehicles, whether emergency or otherwise.
- There is no identified local housing need.
- Objected to the previous application and see no possible justification for the additional dwellings.

ANGLIAN WATER SERVICE

No objections subject to conditions.

HISTORIC ENVIRONMENT SERVICE

No objections subject to conditions.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

The overall layout is acceptable to Secured by Design with access and egress for vehicles being clearly defined. The level and location of parking is mostly on plot or within close proximity to properties which provides a good level of potential for natural surveillance.

NORFOLK COUNTY COUNCIL HIGHWAYS

Request amendments be made to the internal layout and parking arrangements within the development and off site highway works provided.

Officer Note: Amendments have been made to address these comments including provision of off-site highway works. The response of the Highways Authority is awaited and will be reported to committee.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

No objections subject to contributions towards education provision and library facilities, and provision of fire hydrants.

FLOOD & WATER MANAGEMENT TEAM

No objections subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

Plots 29-31 and 8-10 should be reconsidered.

Officer Note: The proposed layout has been amended to take into account amendments to these plots.

HOUSING ENABLING OFFICER

The proposal would need to provide 16 dwellings to be policy compliant.

FACILITIES MANAGEMENT

The S106 Agreement should provide an opportunity for the Council to decline to take on the open space if it chooses and for the developer to make other arrangements for the management of these areas, through the Town Council or a management company. The Council is not a drainage authority and would not consider adopting any part of the drainage infrastructure, or an open space that includes any drainage features such as storage lagoons, ponds, underground storage tanks/pipes or soakaways etc.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENT AGENCY

Contamination The site is located above a Principal Aquifer and within Source Protection Zone (SPZ) 3. However, we do not consider this proposal to be High Risk.

Sustainable Drainage Systems (SuDS) The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13.

ENVIRONMENTAL PLANNING

No Comments Received

NORFOLK WILDLIFE TRUST

No Comments Received

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

No Comments Received

Ecology Consultant:

Due to the separation of the application site from these designated sites, we believe there is unlikely to be any significant impacts.

Trees and vegetation at the site are assessed as having potential to support nesting birds. Conditions are necessary to secure compensatory planting.

The Ecological Appraisal Report states that Species of Principal Importance such as brown hare and hedgehog may also occur on site. Therefore the working methods relating to mammals detailed in Section 7.2 of the Ecological Appraisal Report should be conditioned.

In order to meet this aim of the NPPF, as recommended in Section 7.3 of the Ecological Appraisal Report, a Ecological Management Plan should be produced. This could be a document or a plan and should include the recommendations in Section 7.3 and detail areas of the development that could be improved to benefit wildlife.

REPRESENTATIONS

Letters were sent to surrounding properties, site notices displayed around the site and notice displayed within the local press. The Council has received in excess of 45 representations raising objections to the proposed development for the following reasons:

- Detrimental impact on highway safety, particularly at the junctions of Hall Road and Norwich Road, and Norwich Road and the Fakenham Road (A1067).
- Lack of services and amenities, including education, health, and employment.
- Detrimental impact on character and appearance of the area and village.
- No need for additional housing in Bawdeswell.
- Located outside the settlement boundary.
- Existing foul drainage issues within the village would be worsened as existing infrastructure is inadequate and could not cope with additional dwellings.
- Loss of habitat and detrimental impact on wildlife and biodiversity within the site and surrounding area. The development should include wildlife enhancement measures.
- Lack of public transport services.
- Impact on dark skies from additional dwellings and light pollution. Conditions should restrict lighting.
- Bawdeswell is not a local service centre and the proposed development would not be sustainable.
- Site identified as a reasonable alternative in emerging local plan.
- Concerns regarding management of the open space and routes through it.
- Additional noise created by pumping station, and harm caused from noise, odour and disturbance caused during construction.
- Detrimental impact on amenity from overlooking, overbearing impact and loss of outlook.
- Loss of open aspect of the site.

ASSESSMENT NOTES

1.0 This application is referred to Committee as a Major Development proposal and outside the settlement boundary.

2.0 Principle of development

2.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.5 It is noted that the application site has been included as a preferred site allocation for housing development within the Council's Preferred Site Options, (September 2016), consultation document prepared as part of the emerging Breckland Local Plan. It is considered that as this has not been submitted or been subject to examination only limited weight can be given to this document.

2.6 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

2.7 The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

2.8 Bawdeswell is identified in the Council's Spatial Strategy as a rural settlement which is not allocated for significant expansion within the Core Strategy. The village does though have a local school, public house, convenience shop, garden centre, cafe and shop and community facilities including a recreation ground and community centre, all within walking and cycling distance of the site. There are also bus stops within Bawdeswell, and nearby in Foxley which provide regular services to Norwich, and Fakenham. In these terms, the application site is considered to be a sustainable location for some new residential development.

2.9 Although outside the defined settlement boundary, the proposed development would adjoin the main built up area of the village that runs immediately to the north, east and west of the site and would be immediately adjacent to post-war residential estate development to the north and east. The proposal would therefore be closely related to the built form of the village and would not result in an isolated development in the countryside. The residential use would also be compatible with the general residential character of the area to the north, east and west and being set in front of the built form of the village the proposed dwellings would be seen within the context of the existing village built form when viewed from the Fakenham Road, (A1067), to the south. The proposed residential development would therefore form a logical extension to the village and would not conflict with local policies which seek to avoid intrusive development in rural landscapes.

2.10 It is noted that the new households would provide economic support for existing shops and facilities and contribute to the vitality of the local community and a range of transport options would be available to them. The construction of the development would have some short-term economic benefits. The development would thus be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth.

2.11 The provision of up to 40 dwellings would provide a significant contribution towards providing housing, particularly in light of the significant current shortfall in the provision of housing land in the District and has therefore, been given significant weight in favour of the proposal. The proposal would also provide for a mix of one, two, three and four bedroom dwellings, in different forms including houses and bungalows and 40% of which would be affordable dwellings in accordance with the requirements of policy DC04 of the Core Strategy. The 16 affordable units would also be in different forms including bungalows, cottages and apartments.

2.12 In terms of availability and delivery, Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. The application is submitted in full and there is nothing to suggest that there are any technical constraints which would prevent the development coming forward in the short term. To encourage the early delivery of the proposed housing, a two year time limit for the submission of reserved matters is recommended, with a further year to start work.

2.13 Having regard to the above, it is concluded that the proposal would represent sustainable development, as defined in the NPPF and would not conflict with the objectives of development plan policies and would be suitable for residential development.

3.0 Character and impact on surrounding area and landscape

3.1 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace

opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

3.2 The Council's Landscape Character Assessment Settlement Fringe Study, (2007), indicates that the landscape is within the 'Mid Norfolk' character area 84. The more recent Brecks Landscape Character Assessment, (2013), indicates that the site is within River Wensum and Tud Settled Tributary Farmland Character Area, where there is a gently undulating topography, tree and wooded skylines, hedged roads and lanes, field bordered by hedges and hedgerow trees, small blocks of woodland, and where there are dispersed farmsteads and hamlets, with larger villages being nucleated or linear, that form key landscape character features. This notes that Bawdeswell has expanded southwards from its historic core along the Street to the north of the site.

3.3 The proposed development would extend the built up area of the village southwards and the appearance of the majority of the site would clearly change from open land to a housing area. With regards to the wider landscape impact the proposed development would be visible from Fakenham Road to the south, but would be seen adjacent to the existing residential areas to the east and west, and with the back drop of the main built form of the village beyond to the north. It is also noted that open fields would be retained to the south of the site to retain an open buffer to the Fakenham Road, (A1067). The scheme would abut existing post-war residential development and be seen as a logical extension of this residential area. Consequently, the proposal would not appear as an intrusion into the wider open countryside.

3.4 The open aspect of the neighbouring dwellings and footpath immediately to the north, east and west would be eroded. However, this effect would be localised and has been mitigated to an extent by location of the area of landscape open space along the northern boundary. The proposed residential development would also be consistent with the character of the residential area immediately to the north and east of the site.

3.5 With respect to scale, it is noted that there are a mixture of dwelling heights, forms and styles in the wider locality and the proposals would continue this mix. In this context it is considered that the proposals of predominantly two storeys in height would not appear out of place within the surrounding area. The appearance and materials of the proposed dwellings take a conventional approach to the elevation compositions, roof designs and incorporate cill, header detailing, along with chimneys to certain house types and timber cladding to gable ends.

3.6 The overall density proposed of 24 dwellings per hectare would not be high and whilst slightly increased from the previously approved scheme of 22 dwellings per hectare, the proposals would accord with the requirements of policy DC2 which sets appropriate densities for rural locations on the edge of settlements at between 22-30 dwellings per hectare. The density of the proposals would also be no greater than that seen in existing residential areas to the north at Two Fields Way. In addition, the layout proposed is considered to be well-conceived with clearly defined residential streets and connected routes that link into the areas of public open space. The appropriate landscaping of the central area of open space would enhance the setting and value of the footpaths into the existing network of footpaths and routes in the area.

3.7 It is considered therefore, that the proposal would be compatible with the established pattern and

character of surrounding residential development and would be a logical addition to the existing built up area of the village. Therefore, the application proposal would not conflict therefore with Core Strategy Policies CP11, DC02 or DC16, nor with the guidance in paragraphs 58 and 109 of the NPPF.

4.0 Highway Safety and Traffic Implications

4.1 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people;
and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.2 The proposed development would provide access for 40 additional dwellings off Hall Road and via the existing local highway network on to the A1067 to the south. Each of the dwellings would have access to adequate on site parking provision. With regards to traffic generation, given the number of dwellings proposed the proposal will inevitably result in additional vehicular traffic on the immediate surrounding highway network. The concerns raised by surrounding residents and the Parish Council with respect to existing infrastructure and congestion and the implications of additional traffic on the network are noted. In this regard paragraph 32 of the NPPF, set out the relevant test and states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

4.3 Following requests from the Highways Authority amendments have been made to the site access to provide for vehicular priority along the amended route via Hall Road into the application site, and to the internal estate roads and parking arrangements to address the comments of the Highways Authority. Whilst comments are awaited from the Highways Authority on the amended details, it is noted that the off-site works would be in accordance with those previously approved and on which the Highways Authority raised no objections.

4.4 Having regard to the evidence within the submitted Transport Assessment and the previous comments of the Highways Authority and similarity to the previously approved scheme, and subject to receiving no adverse comments from the Highways Authority it is considered that the proposals would not give rise to severe adverse highway impacts. Conditions have been recommended to secure the submission of a scheme for off-site highway works and their undertaking in accordance with an agreement with the Highways Authority under Section 278 of the Highways Act.

5.0 Amenity considerations

5.1 The application site sits on the edge of Bawdeswell adjacent to two storey residential properties at Hall Road to the east and single storey and two dwellings at Two Fields Way to the north, and two storey dwellings at Paradise Road to the northwest. The proposals would alter the open outlook from the rear and front of these neighbouring properties. However, the proposed dwellings would retain adequate separation distances to the rear of those properties along Hall Road to the east, and Paradise Road to the northwest and as a result would not have an overbearing effect on adjacent dwellings or cause undue overlooking or overshadowing. The provision of landscaping and planting along the site boundaries together with appropriate fencing would ensure sufficient privacy screens would be provided.

5.2 Given the density, height and separation of the dwellings proposed it is considered that the proposals would provide for an acceptable form of residential environment and it is noted that each of the dwellings would provide adequate amount of private amenity space and levels of outlook and daylight for each dwelling and its future occupants.

5.3 Additional traffic movements would result in some additional disturbance to existing residents on the approach roads to the application site along Hall Road. However, given the existing situation and the likely volume, speed and distribution of such traffic, it is not considered that such disturbance would cause significant harm to the amenity of nearby residents.

5.4 The Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions securing the submission and approval of a construction method statement.

5.5 On this basis, it is considered that the proposal would not result in unacceptable effects on the amenities of local residents. Consequently the proposal would not conflict with Core Strategy Policy DC01 or with the guidance set out in paragraph 17 of the NPPF.

6.0 Flood risk and drainage

6.1 Paragraph 103 of the NPPF stipulates that, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.2 The application site falls within Flood Zone 1 and is considered to be at low risk of flooding from various sources including that from rivers, surface water, tidal, groundwater, reservoir and canal sources. It is also noted that the Strategic Flood Risk Assessment does not record any incidents of historical flooding at the

site. The scheme has been amended to site dwellings outside of those areas at risk of surface water flooding.

6.3 With regards to managing surface water flows, the results of percolation tests have informed a preliminary drainage strategy which includes the provision of on site attenuation storage via cellular tanks, with restricted discharge into the existing Anglian Water surface water sewer, together with the use of permeable paving. The lead Local Flood Authority have subsequently raised no objections subject to conditions including restriction on maximum discharge of 3.8 l/s and submission and approval of a detailed surface water drainage scheme. Anglian Water have also raised no objections to the proposed scheme. It is also noted that the Environment Agency raises no objection to the application and that the proposed drainage strategy would not impact on potential groundwater sources and aquifers below the site.

6.4 Foul drainage would be via the existing mains system. Anglian Water have confirmed that there would be capacity available for the proposed development and have raised no objection to the application subject to conditions, including a requirement to submit details of the foul water drainage scheme. The concerns of surrounding residents are noted with regards to previous incidents of foul water surcharges from nearby sewers. The application has been the subject of a pre-planning assessment by Anglian Water whom have confirmed that there is available capacity within the system and have agreed with the principles of the proposed surface water drainage strategy.

6.5 In this instance it is noted that the LLFA, Environment Agency and Anglian Water have raised no objections to the proposed development subject to conditions and the proposed drainage strategy has been designed in accordance with the guidance set out in the NPPF and technical standards for SUDS. Subject to conditions, the proposed development can come forward in a sustainable manner ensuring the proposed dwellings would not be at significant risk of flooding and without increasing the risk of flooding elsewhere and in accordance with paragraph 9 of the Technical Guide to the NPPF and Core Strategy Policy DC13.

7.0 Ecology and Arboricultural Implications

7.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development. The applicant must do more to ensure that the scheme constitutes sustainable development and that the existing natural features are conserved in a way that guarantees their long-term viability.

7.2 With regards to implications on protected sites the site is located approximately 1.4km from the Foxley Wood NNR and the River Wensum SSSI and SAC. Similarly it is not envisaged that the resultant population would cause significant impact on Bawdeswell Heath a County Wildlife Site which is within 2km of the site. The Council's Ecologist has reviewed the submitted information and proposal and has raised no objections and therefore it is considered that there would be no significant adverse impacts on these statutory and non-statutory designated sites.

7.3 The application site comprises open grassland with mature hedgerow and tree coverage to the perimeters of the site. In accordance with the recommendations of the Ecologist an updated ecology survey and report has been submitted. The report concludes that the habitats on site are broadly similar to those previously surveyed and considered under the previous application, other than the addition of an area of willow scrub. There is no evidence of voles, otters, badgers, reptiles and great crested newts within the site and the habitats within site offer limited potential for such species. The hedgerows and trees would provide suitable habitat and roost for birds and bats, and it is noted that the proposals would retain these landscape features. In addition, in accordance with the recommendations of the Council's Ecologist a condition has been recommended to secure the approval and implementation of a Landscape Ecological Management Plan, in addition to the undertaking of best practice measures, and necessary ecological mitigation and compensation measures.

7.4 The proposed development would retain the existing hedgerows and trees along the boundaries of the site, and following comments of the Tree Officer two dwellings have been moved further away from those nearest trees on the eastern boundary of the site. In order to ensure that measures are implemented to protect the root protection areas and crown spreads of the trees on the site a condition has been recommended requiring the submission of Arboricultural Impact Assessment and Tree Protection Plan.

7.5 In conclusion, it is considered that there are no overriding constraints to the development of the site in terms of ecology and nature conservation interests and that subject to conditions the proposed development would accord with the objectives of the NPPF and Core Strategy Policy CP10.

8.0 Impact on heritage and archaeological assets

8.1 With regard to the planning application, Section 66(1) of the Planning, (Listed Building and Conservation Areas), Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant. Furthermore, the Court of Appeal has held that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

8.2 Paragraphs 132 and 133 of the NPPF identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

8.3 The proposed residential development would be sited approximately 200 metres from the nearest listed buildings located along The Street to the north of the site. As the proposed development would be well screened from these heritage assets by the intervening built form of the village and residential area to the north of the site, it is considered that the proposed development would not result in any harm to the character, appearance and significance of the heritage assets in the surrounding area, in accordance with the NPPF and the tests set out in the Planning Listed Building and Conservation Areas Act 1990.

8.4 With regards to archaeological interests, the Historic Environment Service note that there have been pre-historic, roman and post medieval artefacts found within the surrounding area and that site has unknown potential for archaeological interests to be present and their significance maybe affected by the proposed development. They have subsequently recommended that further archaeological investigation in accordance with an approved scheme be undertaken prior to the commencement of development. Therefore, subject to a condition securing a written scheme of archaeological evaluation be submitted prior to the commencement of development, it is considered that sufficient measures would be in place to ensure that the archaeological significance of the site is fully understood and subsequently disseminated.

9.0 Other material considerations

Local infrastructure

9.1 A number of the concerns raised by local residents and the parish council highlight the ability of the highway, social and economic, and general infrastructure of Bawdeswell to cope with additional housing development and resultant needs of the future residents. However, no objections have been raised by statutory consultees in this respect to the road and drainage infrastructure which is considered adequate or can be made so as part of the development. Significant financial contributions would be made to the expansion / improvement of local school accommodation, as well as to local library services, together with an are of landscape open space adjacent to the existing footpath network. Existing difficulties with the provision of local medical services are acknowledged, though it is understood that this problem is principally one of doctor recruitment, a matter for the NHS.

Land contamination

9.2 Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

9.3 The Council's Contaminated Land Officer is satisfied that there is unlikely to be any significant risk posed by any on site contamination and that any unexpected issues which may exist on the site can be adequately identified and addressed by the imposition of a condition requiring the submission of further assessment and approval of a scheme of remediation works should any unexpected contamination be found. It is also noted that the Environment Agency do not consider the presence of a principal aquifer under the site to be of high risk.

9.4 Therefore, subject to an appropriately worded condition it is considered that the proposed site would be suitable for the proposed residential development and the guidance contained within the NPPF would be met.

10.0 Conclusion

10.1 It is accepted that given the site is located outside of the settlement boundary of Bawdeswell the proposed development would conflict with core policies within the adopted development plan that seek to sustainably manage housing growth, (policies CP14, DC02). Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

10.2 The Council has previously resolved to approve planning permission for the erection of 36 dwellings on the site (reference 3PL/2015/1424/F). The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. The site is considered to be in a sustainable location, close to existing facilities and local employment and as such has been proposed as a preferred site within the emerging plan. However, there will be an inevitable change to the open character and appearance of the site and this part of the village. However, its impact would be localised and subject to an appropriate design and layout it is considered would not give rise to over-riding harm to the character and appearance of the wider landscape.

10.3 The benefits of the development can be summarised as follows:

- provision of a significant number of new dwellings that will contribute substantially towards the Council's housing land supply.
- 40% of the dwellings would be affordable (16).
- Initial job creation during construction phase and additional employment opportunities generated by supply chain.
- Increased expenditure within the local economy from the new households.
- Increase in Council Tax receipts.

10.4 Furthermore, whilst concerns have been raised regarding the capacity of local infrastructure and existing drainage problems, contributions would be provided towards education and library facilities to mitigate for the demand and consultees have confirmed that existing capacity levels do not warrant contributions towards health provision. In addition, subject to conditions securing the implementation and on-going management of the foul and surface water drainage schemes, the proposed development would not give rise to increased risk of flooding elsewhere and would not be itself at risk of flooding.

10.5 For the reasons summarised above, it is concluded that the site is in a sustainable location for housing development and that any identified harm would not significantly and demonstrably outweigh the benefits of the scheme, taking into account the development plan and the policies of the NPPF as a whole, and there are no material considerations of sufficient weight to justify refusing planning permission.

11.0 RECOMMENDATION

11.1 The application is therefore recommended for approval, subject to conditions, a Section 106 Legal Agreement, a Section 278 Agreement to cover the off-site highway works.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3006 Full Permission Time Limit (2 years)
- 3047A In accordance with submitted plans NEW 2017
- 3949 Unexpected Contamination
- 3140 Prior approval of slab level
- 3920 Details and samples of materials
- 3920 Hard and soft landscaping and planting, incorporating
- 3802 Precise details of surface water disposal
- 3920 Foul water drainage scheme
- 3920 Management of surface water drainage system
- 3920 Arboricultural method statement and protection measures
- 3920 No clearance within bird nesting season
- 3920 Landscape Ecological Management and Enhancement Plan
- 3920 Best practice ecological working methods
- 3920 No lighting to be erected other than in accordance with sche
- 3920 Access, parking and turning areas laid out
- 3920 Construction Management Plan
- 3750 Non-standard highways condition
- 3920 Traffic RO
- 3920 WSI - archaeology
- 3923 Contaminated Land - Informative (Extensions)
- 4000 Variation of approved plans
- 3996 Note - Discharge of Conditions
- AN60 NOTE NCC Inf 1 When off-site road improvements are required
- 3992 Non-standard note re: S106
- 3989 Hedgerow Regulation
- 3972 NOTE: Bats and Owls
- 3994 Note: Anglian Water comments

ITEM: 9	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0270/O	CASE OFFICER Chris Hobson
LOCATION: SAHAM TONEY Richmond Hall	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr Graham Tweed Richmond Hall Richmond Road	
AGENT: Artek Design House Ltd 17 Topcliffe Way Cambridge	
PROPOSAL: Residential Development of five new dwellings	

REASON FOR COMMITTEE CONSIDERATION

This application is referred to Committee as the proposal located outside of the settlement boundary.

KEY ISSUES

- Principle of development and material planning considerations;
- Character and impact on surrounding area and landscape;
- Access and Highway safety implications;
- Amenity considerations;
- Flood risk and drainage implications;
- Landscape and ecological implications;
- Other material considerations

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission with all matters reserved for the erection of 5 dwellings. The reserved matters comprising access, scale, layout, external appearance and landscaping will be the subject of future detailed reserved matters applications.

This outline planning application as submitted seeks to establish the general principles of development of the site for 5 dwellings. An indicative site plan and details have been submitted with the application indicates 5 two storey detached dwellings running in a roughly linear form north to south.

SITE AND LOCATION

The site comprises an area of approximately 0.4 Hectare comprising associated garden, meadow land, and orchard at Richmond Hall, Richmond Road, Saham Toney. Richmond Hall comprises a small manor house built in a tudor style of brick and flint with pan tiled roof. The site is located to the southwest of the village of Saham Toney with vehicular access via an existing access serving Richmond Hall and two adjacent

dwellings. The site is located outside of the settlement boundary of Saham Toney in the open countryside with open fields to the north and west. Broom Hall and its associated mature landscaped grounds are located to the south of the site. Residential properties comprising a mix of ages, sizes and designs are located to the north and east of the site along either side of Richmond Road with the main built part of the village further to the northeast.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/0976/O - Outline application of the erection of 35 dwellings and associated access and landscaping. - Refused for the following reasons:

1. Due to the location of the site outside the built up area of the village and the amount of development envisaged, the proposed development would result in the significant intrusion of built development into the open countryside and would be out of character with the patterns and form of the settlement, detracting from the character, appearance and openness of the site and surrounding rural area. The proposed development would be contrary to policies DC1, DC16, Breckland Core Strategy and Development Control Policies DPD and the policies within the NPPF. The NPPF states that the three dimensions of sustainable development should not be taken in isolation because they are mutually dependant. It is acknowledged that the proposal would provide economic and social benefits through the provision of housing, including affordable dwellings and as a result of construction activities and increased use of local services. However, the proposed development would cause significant harm to the character and appearance of the site and surrounding area and landscape. The harm to environmental considerations would be significant and demonstrable, and would outweigh the benefits of the proposal, being the contribution to the supply of housing and affordable housing. Accordingly, the proposal would not amount to sustainable development and would be contrary to paragraph 14 of the National Planning Policy Framework (NPPF).
2. Insufficient information has been submitted to demonstrate that the proposed development of up to 35 dwellings could be accommodated on the site whilst ensuring that those dwellings would be protected from flood risk and would not result in the increased risk of flooding elsewhere. It has not been demonstrated that the site could accommodate satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development. Therefore, the proposed development would be contrary to policy DC13 of the Breckland Core Strategy and Development Control Policies DPD and paragraphs 103 and 109 of the National Planning Policy Framework.
3. Insufficient information has been submitted to allow for the necessary assessment of the impact of the proposed development on statutorily protected sites and European Protected Sites, protected species and nature conservation interests. It is therefore not possible to determine that the development could be carried out without causing significant adverse impacts on protected species, local wildlife and biodiversity of the site and surrounding area. The proposed development would therefore be contrary to Core Policies 10 and 11 of the Breckland LDF Core Strategy Development Control Policies Development Plan Document, section 11 of the NPPF and having regard to the Conservation of Habitats Species Regulations 2010.
4. Without a legal agreement or unilateral undertaking from the applicant no provision has been made for a financial contributions or other provision to be made towards education and library facilities within the area to

mitigate for the impacts of the proposed development, nor has provision been made to deliver affordable housing and the secure an appropriate tenure mix and affordability in perpetuity. The proposed development would therefore be contrary to Core Strategy Policies CP4, CP5, and DC4 and the policies contained within the National Planning Policy Framework.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

Policy SS1 Spatial Strategy
Policy CP01 Housing
Policy CP04 Infrastructure
Policy CP06 Green Infrastructure
Policy CP10 Natural Environment
Policy CP11 Protection and Enhancement of the Landscape
Policy CP13 Accessibility
Policy DC01 Protection of Amenity
Policy DC02 Principles of New Housing
Policy DC12 Trees and Landscape
Policy DC13 Flood Risk
Policy DC16 Design
Policy DC17 Historic Environment
Policy DC19 Parking Provision

National Planning Policy Framework (NPPF)

With particular regard to paras 11 - 14, 17, 32, 34, 35, 47, 49, 58, 63 - 65, 93-96, 100 - 103, 109 203 - 206 & 215.

NPPG National Planning Practice Guidance

OBLIGATIONS/CIL

A Section 106 Agreement would not be necessary for a development of less than 1,000 square metres of GIA as is proposed.

CONSULTATIONS

SAHAM TONEY P C

Object for the following reasons:

- Site is a green field site located outside the settlement boundary.
- Richmond Road carries an average of 340 vehicles a day.
- Visibility is limited at the access;
- The proposal is unsustainable, with the school full and Watton medical facility full.
- There is limited work in the area.

- Saham Toney is in the process of developing a neighbourhood plan.

NORFOLK COUNTY COUNCIL HIGHWAYS

The Highways Authority raised no objections in principle to a previous application on the site. A footpath north of the site access is deliverable, but will require levelling and vegetation removal, and implications on surface water need to be addressed. Request more detailed plan showing access arrangements.

TREE AND COUNTRYSIDE CONSULTANT

The indicative layout does not appear to take into account tree constraints. As the tree survey is over 2 years old an updated report will be required.

ENVIRONMENTAL HEALTH OFFICERS

No objections.

CONTAMINATED LAND OFFICER

Request further information be submitted.

WATTON TOWN COUNCIL

Watton support Saham Toney Parish Council.

BRECKLAND ASTRONOMICAL SOCIETY

No Comments Received

NATURAL ENGLAND

No Comments Received

THE PLANNING INSPECTORATE

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

WATTON MUSEUM

No Comments Received

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

Ecology Consultant - As the original Preliminary Ecological Appraisal survey was undertaken in 2014 and is now over two years old, I would advise you ask them to update the survey in line with the current proposals and re-assess the impacts. They should ensure that our previous concerns in the attached comments have been addressed. As protected species are a material consideration in the determination of a planning application, the further surveys will need to be undertaken prior to determination of the application. I realise that Natural England commented on the previous application to state that there is unlikely to be any significant impacts, but in order to ensure we have followed the correct processes, information to support this assessment should be provided by the applicant to us so we can come to a conclusion about the likely significant impacts. Natural England should then be re-consulted along with our conclusion for their statutory advice. Again, this will need to be undertaken prior to determination.

REPRESENTATIONS

Letters were sent to surrounding properties, site notices displayed around the site and notice displayed within the local press.

The Council has received representations from in excess of 20 separate individuals raising objections to the proposed development for the following reasons:

- Located outside the settlement boundary.
- Proposals out of scale with village and together with other schemes would result in over development of the village.

- No need for number of additional housing in Saham Toney.
- Detrimental impact on highway safety, particularly along the immediate network through Saham Toney.
- Lack of visibility at the site access.
- Proposed footpaths would require land not within applicants ownership.
- Lack of services and amenities, including education, health, retail and employment. Existing education and health facilities are over capacity.
- Detrimental impact on the character, appearance, setting and feel of the area and village.
- Existing surface water and foul drainage issues including flooding within village in June 2016. Flooding issue would be worsened as existing infrastructure is inadequate and could not cope with additional dwellings.
- Increase the risk of flooding elsewhere within the village and on the site.
- Loss of habitat and wildlife, and detrimental impact on wildlife and biodiversity within the site and Saham Toney.
- Loss of hedgerows and trees along Richmond Road.
- Lack of public transport services.
- Saham Toney is to be removed as a local service centre and the proposed development would not be sustainable.
- Detrimental impact on amenity from overlooking, overbearing impact and loss of outlook, and during construction from noise and disturbance.

ASSESSMENT NOTES

1.0 This application is referred to Committee as a residential proposal located outside of the settlement boundary of Saham Toney.

2.0 Principle of development and material considerations

2.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

2.2 The site is located outside the settlement boundaries in an area of open countryside on the edge of Saham Toney, (as defined by policies SS1, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The proposed development would therefore conflict with the objectives of policies CP01, CP14 and DC02 of the development plan.

2.3 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.4 The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

2.5 Saham Toney is currently identified in the Council's Spatial Strategy as a Local Service Centre and is not allocated any significant growth beyond existing commitments. It is noted that in the emerging plan for the District Saham Toney is identified to be removed as a Local Service Centre as it no longer meets the required criteria. However, as the emerging plan is at an early stage and has yet to be submitted and examined by an Inspector this can only be given very limited weight. Nevertheless, consideration has been given to the sites accessibility to the current level and range of services and facilities in the surrounding area. At present Saham Toney does benefit from a primary school, public house, post office and community centre and recreation ground and play area. There is a bus service which runs Monday to Saturdays which provides hourly services to of Kings Lynn and Watton. The market town of Watton is also located in relatively close proximity to the south and provide for a range of the necessary employment, education, retail and leisure needs of future residents. In these terms, the application site is considered to be a sustainable location for some form of new development.

2.6 Although outside the defined settlement limit, the proposed development would adjoin the main built up area of the village to the north and would be adjacent to an existing post-war residential development to the south. Therefore, the proposal would be closely related to the built form of the village and would not result in an isolated development in the countryside. The residential use would also be compatible with the general residential character of the area to the north.

2.7 The provision of 5 dwellings would provide a small contribution towards providing housing. It is also noted that the new households would provide economic support for existing shops and facilities and contribute to the vitality of the local community and a range of transport options would be available to them. The construction of the development would have some limited short-term economic benefits. The development would thus be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities.

2.8 In terms of availability and delivery, Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. Although the application is in outline form, there is nothing to suggest that there are any technical constraints which would prevent the development coming forward in the short term. To encourage the early delivery of the proposed housing, a two year time limit for the submission of reserved matters would be recommended, with a further year to start work should permission be granted.

3.0 Design and Impact on Character and impact on surrounding area and landscape

3.1 Development within the District is further expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy.

3.2 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

3.3 The Breckland District Landscape Character Assessment, (2007), indicates that the landscape is classified as part of the River Wissey Settled Tributary Farmland (B5) character area. The site is in the Saham Toney South West (ST1) character area as identified within the Settlement Fringe Landscape Character Assessment (2007) which is considered to be highly sensitive. General Landscape Management principles include conserving the landscape setting of Saham Hall and Broom Hall. The principles for new development include; conserving the sensitive rural gap between Watton and Saham Toney created by the wooded watercourse and parkland landscape of Broom Hall; avoid infill or the creation of further blocks of development.

3.4 The proposed development would extend the built up area of the village westwards and the appearance of the site would clearly change from open garden and orchard to a small cul-de-sac of houses. The scheme would abut the settlement boundary and when viewed from the north would be set behind existing built form of the village and when viewed from along Richmond Road to the south the mature trees would help to screen the proposals. The proposed development would utilise part of the curtilage of an existing substantial dwelling and would be closely related to other buildings to the northeast, the dwelling at Richmond Hall to the south and would be in line with a detached dwelling permitted immediately to the northwest of the site.

3.5 With respect to layout, scale, appearance and landscaping it is noted that these are reserved matters to be considered at a later date. It is noted that the indicative linear form would need to be better laid out to remove frontage detached garages, pick up on the siting of the dwelling permitted immediately to the northwest of the site, and avoid the loss of and impact on existing trees. Whilst the indicative height of the two storey dwellings will need to be reconsidered to ensure an appropriate relationship to the scale and height of the dwellings fronting Richmond Road, it is noted that these details are only indicative and it is considered that in principle 5 dwellings could be provided on site in an acceptable form.

3.6 Having regard to the above, it is considered that in principle the proposals would not result in a significant harm and intrusion into the open and rural landscape to the detriment of the character and appearance of the settlement and surrounding landscape. Therefore, the proposal would comply with Core Strategy Policies CP11, DC02 or DC16, and the policies set out in the NPPF.

4.0 Highway Safety and Traffic Implications

4.1 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.2 Outline permission is sought for residential development at the site with access to the site to be provided via a single access off the western side of Richmond Road within a 30mph section of the highway. The Highways Authority have reviewed the proposals and have raised no objections subject to conditions. The applicant has agreed to such a scheme of works and these could be adequately secured by way of a condition and the applicants entering into an agreement with the Highways Authority under Section 278 of the Highways Act to provide these works.

4.3 With regards to traffic generation, the proposal will inevitably result in some additional vehicular traffic on the surrounding highway network and additional traffic slowing and turning into and out of the site access. However, it is not considered that a residential development of the size indicated would cause severe impacts on the capacity of the surrounding network. The indicative layout also demonstrates that sufficient vehicular parking would be provided for each dwelling on site.

4.4 Having regard to the above and the comments of the Highways Authority it is considered that the proposed access arrangements would be acceptable and subject to conditions securing a scheme of off site highway works, including a scheme to provide sections of footpath and a pedestrian crossing, the application is considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

5.0 Amenity considerations

5.1 The application site sits on the western edge of Saham Toney adjacent to single storey and two storey dwellings to the east. The land levels within and immediately adjacent to the site slope generally downwards from the northeast to the southwest. The provision of landscaping and planting along the site boundaries together, with appropriate fencing would further ensure sufficient privacy screens would be provided. Whilst the proposals would alter the open outlook from the rear of these neighbouring properties, there is nothing to suggest that the development, if appropriately designed and laid out, would have an overbearing effect on adjacent dwellings to the northeast or cause undue overlooking or overshadowing. Therefore, it is

considered that the proposals would not cause unacceptable impact on the amenity of those residents to the west of the site.

5.2 Given the density, height and scale of the dwellings proposed it is considered that in principle the proposals would provide for an acceptable form of residential environment. Additional traffic movements would result in some additional disturbance to existing residents along Richmond Road approaching the application site. However, given the existing situation, the size of the site and the likely volume, speed and distribution of such traffic, it is not considered that such disturbance would cause significant harm to the amenity of nearby residents.

5.3 The Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions securing details of foul and surface water drainage. Having regard to the above, it is considered that the proposal would not result in unacceptable effects on the amenities of local residents. Consequently the proposal would not conflict with Core Strategy Policy DC01 or with the guidance set out in paragraph 17 of the NPPF.

6.0 Flood risk and drainage

6.1 Paragraph 103 of the NPPF stipulates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.2 The applicants have previously submitted a site specific flood risk assessment and preliminary drainage strategy with respect to refused application 3PL/2015/0976/O. It is noted that the application site is located within flood zone 1 and is therefore within an area at lowest risk of flooding from various sources including that from rivers, surface water, tidal, reservoir and canal sources. However, from the comments of the LLFA on that earlier application, it is also noted that the site sits adjacent to areas of medium-high risk of surface water flooding, with ordinary watercourses also running to the northwest and east of the site; the site is identified as being at high risk of ground water flooding; and that there are records of sewer flooding to the north east of the site.

6.3 With regards to managing surface water flows, it is noted that the site predominantly comprises permeable areas including gardens and fields, and that the proposals would introduce a significant increase in the extent of hardstanding from the buildings, roads, footpaths and driveways. The preliminary drainage strategy proposes to use infiltration methods to manage surface water. The applicants have submitted

details of infiltration testing undertaken in two positions on the site. However, the LLFA have reviewed this and still raised objections to the proposed development raising concerns that the proposed drainage strategy has not been informed by any ground testing or infiltration testing, has failed to assess the impacts and implications of ground water flooding, and that the run-of rates calculated to determine the necessary attenuation are incorrect. In addition, that no alternative methods of managing surface water have been identified or assessed, and that the indicative plan has failed to demonstrate that the site could accommodate the necessary drainage infrastructure, and any necessary exceedance flows.

6.4 Therefore, additional space for attenuation and drainage infrastructure maybe required on site in order to ensure the proposed dwellings are not at risk of flooding and to avoid increasing the risk of flooding elsewhere. Having regard to the above it has not been demonstrated that 5 dwellings could be provided on the site without being at risk of flooding themselves and without increasing the risk of flooding elsewhere.

6.5 Foul drainage would be via the existing mains system. Whilst not consulted on this application, it is noted that Anglian Water confirmed that there would be capacity available in the surrounding sewerage system and within the Watton Water Recycling Centre for the flows from the previously proposed development of 35 dwellings and previously raised no objections. Given the number of dwellings now proposed it is considered that subject to a conditions securing details of the foul water drainage scheme, and its completion prior to occupation there would be no significant risk from foul water flooding.

6.6 In this instance it is noted that the Lead Local Flood Authority have raised objections to the proposed development. Given that this outline application seeks permission for the principle of residential development of up to 5 dwellings, the Council would need to be satisfied that 5 dwellings along with all necessary drainage infrastructure could be accommodated on the site. Having regard to the comments of the LLFA, the submitted information and indicative layout plans it is considered that the application has not demonstrated that in principle a residential development of up to 5 dwellings could be provided on the site whilst providing for sustainable drainage, that would not increase the risk of flooding elsewhere. The proposals would therefore be contrary to paragraphs 103 and 120 of the NPPF and Core Strategy Policy DC13.

7.0 Ecology and Arboriculture Implications

7.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development.

7.2 With regards to implications on protected sites the site is located approximately 1.4 kms from the Breckland SPA and the Breckland Farmland SSSI, approximately 1.5kms from the buffer zone of the SPA for the stone curlew, and within close proximity to The Grove County Wildlife Site. Natural England have raised no objections to the proposals with respect to the impacts on protected sites and advised that the Local Planning Authority is not required to undertake an appropriate assessment under the requirements of, the

Habitat Regulations and Section 28(l) of the Wildlife and Countryside Act 1981, (as amended).

7.3 With regards to protected species and local flora and fauna, the application site currently comprises a dwelling, open fields and domestic gardens and a variety young and mature trees. The ecological appraisal identified the presence of bats and grass snakes within the site, that the development would result in the destruction of great crested newt habitats, and that water voles, breeding birds would also be present in the surrounding area. The Council's ecologist has reviewed the proposals and submitted reports and notes that adequate mitigation and protection measures could be secured to avoid harm caused to bats, breeding birds, water voles and biodiversity enhancements could be secured via conditions. However, the Council's Ecologist has requested further surveys be undertaken on Great Crested Newts to fully assess the implications of the development, and further information on the mitigation measures to be put in place for the translocation of grass snakes, prior to the determination of the application.

7.4 Therefore, it is considered that insufficient information has been submitted to allow for a full assessment of the implications of the proposed development on protected species within and around the application site, and that it has not been demonstrated that the application could provide for adequate mitigation and protection measures to avoid harm caused to protected species and their habitats. Having regard to the comments of the Council's ecologist and the potential implications from the development on statutorily protected species, it is not considered that the Local Planning Authority could reasonably determine that a European Protected Species Licence would be issued.

7.5 With respect to arboricultural implications, the proposed development as set out in the indicative site plan would retain the existing trees along the boundaries of the site. Otherwise the site comprises predominantly open gardens and fields and those trees identified to be lost are not considered to be a constraint on development. The Council's Arboriculture Officer has raised concerns that the indicative layout does not provide sufficient separation to the protected trees to the south of the site. However, it is noted that this application is in outline with all matters reserved, and indeed any detailed scheme would need to provide greater separation to the belt of protected trees to the south in order to ensure their long-term retention. It is considered that subject to the re-siting and reduction in the size of dwellings in this part of the site, in principle up to 5 dwellings could be provided on site and the mature trees would not be a constraint on development.

7.6 In order to ensure that the detailed design and layout of the site take full account of existing mature trees with sufficient separation distances, if permission were to be granted it is considered that a condition would be necessary requiring the submission of a detailed Arboricultural Impact Assessment and Method Statement to be submitted within the reserved matters applications, together with landscaping plans to show the retention of these trees and adequate separation.

7.7 In conclusion, it is considered that it has not been demonstrated that the proposed development could provide satisfactory mitigation to avoid unacceptable impacts on ecology and nature conservation contrary to the objectives of the NPPF and Core Strategy Policy CP10.

8.0 Other material considerations

Impact on archaeological assets

8.1 With regards to archaeological interests, the Historic Environment Service note that there have been pre-historic, roman and post medieval artefacts found within the surrounding area and that site has unknown potential for archaeological interests to be present and their significance maybe affected by the proposed development. They have subsequently recommended that further archaeological investigation in accordance with an approved scheme be undertaken prior to the determination of the application. However, it is noted that the application is submitted in outline with all matters reserved. Therefore, subject to a condition securing the results of a written scheme of archaeological evaluation to be submitted with detailed reserved matters applications, it is considered that sufficient information and if necessary any mitigation would be secured at the reserved matters application and detailed design stage.

Land contamination

8.2 The application has been reviewed by the Council's Contaminated Land Officer who has recommended the submission of a phase 1 contamination report given the scale and nature of the proposed development. It is noted that the site is partly in use for residential purposes including a dwelling and associated out buildings and green house and the remainder of the site is an open grassed field last used for agricultural purposes. Whilst land levels slope it is considered that any necessary land forming would be a constraint on development, and given the current and historic uses of the site it is considered that in principle the site would be suitable for residential use. It is noted that the Environment Agency do not consider the presence of a principal aquifer under the site to be of high risk. Therefore, subject to conditions securing approval of detailed site investigations and necessary remediation measures prior to construction, it is considered that the proposed site would be suitable for residential development and the guidance contained within the NPPF would be met.

Mineral Interests

8.3 Policy CS16 of the Norfolk Minerals and Waste Core Strategy requires that in mineral safeguarding areas, development proposals are supported by appropriate investigations to determine whether there any mineral resources of economic value and whether they can be extracted economically prior to the commencement of development.

8.4 A small section of the south east part of site is underlain with sand and gravel resources which are safeguarded under the Norfolk Minerals and Waste Core Strategy. The Mineral Planning Authority have raised objections to the proposed development as there is the potential for valuable minerals to be within the site. However, it is noted that the application is submitted in outline with all matters reserved. Given that the intention of the policy is to ensure any viable minerals are not sterilised, subject to a condition requiring the submission and approval of further site investigations and assessment of the viability of extraction, together with a Minerals Extraction and Management Plan, it is considered that there would be sufficient measures in place to avoid sterilising any important and economically valuable mineral resource, in accordance with policy CS16 of the Norfolk Minerals and Waste Core Strategy and the NPPF.

9.0 Conclusion

9.1 It is accepted that given the site is located outside of the settlement boundary of Saham Toney the proposed development would conflict with core policies within the adopted development plan that seek to sustainably manage housing growth, (policies CP14, DC02). Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

9.2 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. The site is considered to be in a sustainable location, close to existing facilities and local employment and a development of 5 dwellings is considered to be a proportionate number and scale to the village of Saham Toney. Any visual harm would be localised and subject to an appropriate design and layout it is considered would not give rise to over-riding harm to the character and appearance of the wider landscape.

9.3 The benefits of the development are can be summarised as follows:

- provision of 5 new dwellings that will contribute towards;
- some limited initial job creation during construction phase and additional employment opportunities generated by supply chain.
- Increased expenditure within the local economy from the new households.
- Increase in Council Tax receipts.

9.4 However, it is not considered that it has not been demonstrated that 5 dwellings could be provided on site whilst ensuring the dwellings would be safeguarded from flooding and the proposals would not increase the risk elsewhere, contrary to paragraphs of the NPPF and policy DC13 of the Core Strategy. In addition, insufficient information has been submitted to fully assess the implications on Great Crested Newts a European Protected Species and grass snakes also protected under the Wildlife and Countryside Act and therefore it is not possible to conclude that the proposals would not have significant adverse impacts on wildlife and nature conservation interests.

9.6 For the reasons summarised above, it is concluded that it is considered that it has not been demonstrated that the proposals would form sustainable development and would not cause significant harm to nature conservation interests and flood risk. The harm would therefore significantly and demonstrably outweigh the benefits of the scheme, taking into account the development plan and the policies of the NPPF as a whole, and therefore the application is recommended for refusal.

10.0 RECOMMENDATION

10.1 The application is therefore recommended for refusal for the following reasons:

1. Insufficient information has been submitted to demonstrate that the proposed development of up to 5 dwellings could be accommodated on the site whilst ensuring that those dwellings would be protected from flood risk and would not result in the increased risk of flooding elsewhere. It has not been demonstrated that

the site could accommodate satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development. Therefore, the proposed development would be contrary to policy DC13 of the Breckland Core Strategy and Development Control Policies DPD and paragraphs 103 and 109 of the National Planning Policy Framework.

2. Insufficient information has been submitted to allow for the necessary assessment of the impact of the proposed development on European protected species, wildlife and nature conservation interests. It is therefore not possible to determine that the development could be carried out without causing significant adverse impacts on protected species, local wildlife and biodiversity of the site and surrounding area. The proposed development would therefore be contrary to Core Policies 10 and 11 of the Breckland LDF Core Strategy Development Control Policies Development Plan Document, section 11 of the NPPF and having regard to the Conservation of Habitats Species Regulations 2010.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

- | | |
|-------------|--|
| 9035 | Insuffiient informatio with repsect to drainage flood risk |
| 9035 | Insuficien infromation on ecological impacts |
| AN87 | Application Refused Following Discussion - No Way Forward |

ITEM: 10	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0342/F	CASE OFFICER Rebecca Collins
LOCATION: ATTLEBOROUGH Land north-west of Chapel Road School 50 Chapel Road	APPNTYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Breckland Bridge C/O Agent	
AGENT: Hoopers Architects 5 Cromwell Court St Peter's Street	
PROPOSAL: Residential Development of 10 Houses, including improvement works to Access road and adjacent pavements	

REASON FOR COMMITTEE CONSIDERATION

The application is a major development located on land owned by Breckland District Council.

KEY ISSUES

Principle
Character of the area
Amenity
Highways
Trees and ecology
Drainage
Other matters
Conclusion

DESCRIPTION OF DEVELOPMENT

The proposal has been amended during the course of the application and the housing numbers increased on the advice of Officers to 10 no. dwellings. The development comprises of a terrace of 8 two storey dwellings located off Chapel Road with car parking to the rear and 2 detached dwellings off Cyprus Road with car parking in-between, accessed off Cyprus Road.

SITE AND LOCATION

The application site is located to the north-east of Chapel Road and south of Cyprus Road, adjacent to (the north-west of) Chapel Road School. The application site currently consists of open space/grass, which is accessible but not designated open space. There is a wire mesh fence surrounding the application site. Residential development fronts on to the application site from the north, east and west, with the Chapel Road School to the south of the site. Properties are constructed of a mix of materials including red, buff and dark

bricks.

The site is a relatively flat site, in a dominant position on the corner of two streets. There is one tree within the application site, to its north-eastern corner of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Section 106 agreement required for potential highway works to the frontage of the site - update to be provided to members at the Planning Committee.

CONSULTATIONS

ATTLEBOROUGH TC

Refused due to loss of green space, an increase in traffic (Highways issues) and parking issues and objections have been raised by residents.

NORFOLK COUNTY COUNCIL HIGHWAYS

Short Road

Short Road should be widened to 4.8m to the first parking space for Plot 8.

Chapel Road

The applicant needs to be made aware that any Stopping Up Order would be procured through the Secretary of State (DfT) under the Town and Country Act and there is no guarantee that this would be successful. It would therefore be essential that any Order is obtained before works start on site as The Secretary of State has no powers to stop up highway retrospectively.

A visibility splay measuring 2.4m x 59m is required and the footway must be widened to this line. In addition, the footway around the entire site frontage will be widened to 2m.

Pedestrian access

I note your desire for individual pedestrian access points onto Chapel Road but I have concerns that vehicles will be left close to the junction with Cypress Road. This situation should be monitored (say for 12 months post occupation) and if parked vehicles are considered to be an issue the applicant will fund parking/waiting restrictions around the junction.

In addition:-

Visibility splays of 2.4m x 33m need to be provided to either side of the access to Plots 9 and 10. The highway boundary extends around 1m beyond the turning head and this needs to be indicated for the avoidance of doubt.

TREE AND COUNTRYSIDE CONSULTANT

With regards to the retention of the Horse Chestnut tree the amended layout is an improvement. An updated arboricultural method statement and tree protection plan will be required.

EAST HARLING I D B

Whilst the development is not within the IDB district surface water runoff from this development will ultimately drain to the Boards maintained watercourse. The surface water drainage strategy proposed is to discharge surface water via soakaways to the ground using infiltration structures. No information is provided to demonstrate that ground conditions are suitable for this form of drainage, and that there is adequate space to locate soakaways within the plot curtilage. It is necessary for the applicant to demonstrate that the surface water drainage strategy is deliverable, and that flood risk for properties onsite, and also offsite, is not increased.

NPS GROUP

The application site forms part of the current Chapel Road School site which is proposed to relocate to a new site in 2018. It is important in considering the current planning application that the decision would not prevent or prejudice the efficient alternative use or redevelopment of the County Council owned site (adjacent). In relation to access on to Chapel Road, the proposed siting of plot 1 and the associated planting proposed between new dwellings and Chapel Road would need to ensure that it does not prejudice visibility for the efficient alternative use or redevelopment of the NCC owned part of the school site.

ENVIRONMENT AGENCY

No objection. The developer should address risks to controlled waters from contamination at the site. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). Further information is therefore required in this regard, taking account of adopted standards.

FLOOD & WATER MANAGEMENT TEAM

Soakaways are proposed as the primary method of surface water discharge, the LLFA object to this and an

acceptable alternative drainage strategy is required to prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

There is likely to be minimal ecological value on this site. I am unclear as to whether the Sweet Chestnut Tree will be retained or not; it should be retained. If the tree has to be felled, it should be assessed for its potential for bat roosts.

ENVIRONMENTAL HEALTH OFFICERS

No objections or comments.

CONTAMINATED LAND OFFICER

No objections subject to conditions with regards to contamination.

REPRESENTATIONS

Six letters of objection to the scheme have been received, their comments have been summarised as follow:
This is a green space, regularly used by local people. It is the only green space assigned to this estate;
This is only a small plot of land, too small for the number of dwellings proposed;
The proposed design and materials are not in keeping with the area;
Three storey dwellings are out of character with the street scene;
There is not sufficient parking spaces for homeowners and visitors in the current plan. What provisions have been made to stop people parking at the front of the site?;
The corner of Chapel Road/Cyprus Road is busy and dangerous and further parking will exacerbate this;
This is a bus route which needs to be kept clear;
The application lacks detail of what is happening on the school site and the two applications should not be considered in isolation. The Council should be transparent about its plans for the school site;
Attleborough lacks amenities and already has significant developments taking place, therefore this site is not needed.

ASSESSMENT NOTES

Principle

The application site lies within the designated settlement boundary for Attleborough and is surrounded by existing residential development. Despite the site currently being used as accessible open space, the application site is not categorised as open space, as set out in the Breckland Council Open Space Assessment or in the emerging Attleborough Neighbourhood Plan and therefore falls outside of the requirements of Policy DC11, which aims to protect open space. Policy 6 of the NPPF supports the delivery of housing in sustainable locations, which Attleborough is considered to be with a significant amount of services and facilities to serve the day to day needs of its population. In addition, Attleborough is identified as a major focus for residential growth in Policy SS1 of the adopted Breckland Core Strategy.

Policy DC04 of the adopted Core Strategy states that 40% affordable housing should be provided on developments of more than 5 dwellings or if the application site comprises an area of 0.17ha or larger. The development exceeds 0.17ha in size. Subsequent to adopting the Core Strategy for Breckland, a ministerial statement was released advising that contributions for affordable housing could not be sought on

developments of 10 dwellings or less or developments 1000sqm gross internal area, (GIA). The application is for 10 market dwellings, the total floor area for the 10 dwellings is 860sqm, below the necessary thresholds. Therefore, no request for affordable housing can be made.

For the reasons given above, the principle for residential development in this location is established.

Character of the area

The application has been amended on the advice of officers and the number of dwellings increased from 9 to 10. The case officer previously raised concerns with regards to the plans submitted in relation to the building line off Chapel Road, the convoluted layout of car parking and boundary treatment to the rear of properties off Chapel Road, concerns over the size of gardens, the view from Chapel Road, along the rear of the site and a requirement to protect the tree in the north-eastern corner of the site.

The plans were subsequently amended and revised plans show a reduced frontage onto Chapel Road with direct pedestrian access to the footway, larger rear gardens and a simplified parking arrangement to the rear, with space for plenty of vehicles to serve the development. The retention of the tree to the north-eastern corner with an additional dwelling to block views to the significant amount of hardstanding proposed to provide parking to the rear. There are no three storey dwellings proposed within the site.

The design of dwellings has also been amended to simplify fenestration and create a regular pattern of development, common to the developments on the opposite side of Chapel Road, albeit with a different design approach. Also, the dwellings now have a common design approach across the application site, which is a benefit given the sites limited size. The proposed dwellings address both Chapel Road and Cyprus Road in a regular fashion, to the benefit of the street scene.

The proposed design will be modern in appearance and will include features not common to the local area, such as shallow eaves and ridge heights, aluminium frame box dormers and other modern fenestration. This area is defined by a mix of dwellings and a variety of materials. Opposite the application site are blocks of terrace properties, some Victorian and some later infill development, as well as detached dwellings off Cyprus Road, set in reasonable plots with frontage parking to the north and north-east. The proposal uses the concept of the existing terrace blocks with regular plot widths, fenestration and breaks in the blocks but amends them with a modern design approach, which is considered will compliment the existing street scene. The proposed detached dwellings, take the same design approach but being detached will sit well at the entrance to Cyprus Road (marked by detached dwellings), as well as plot 10 providing a good buffer for the amount of hardstanding behind. Although a more regular building line along Chapel Road would improve the street scene, the stepped building line allows good rear garden lengths for all the new properties and would create a green corner at the entrance to Cyprus Road off Chapel Road, which with appropriate landscaping has the ability to maintain a green street scene in this area.

Usually rear parking courts are avoided as they can attract antisocial behaviour if not well surveyed. There are properties on both sides of the parking area and with the proposed road widening this will be a wide place will clear views along it. On this basis the proposed site layout and positioning of the car parking is considered acceptable.

Subject to approval of materials to be used in the construction of the external surfaces of the building, as well as approving the fenestration materials and a soft and hard landscaping condition, the proposal is considered to be acceptable in terms of its impacts on the character of the area and is considered in accordance with Policies 6 and 7 of the NPPF and DC16 of the adopted Breckland Core Strategy.

Amenity

The proposed dwellings are located a significant distance from existing residential properties so as not to impact their amenity.

There are windows in the rear elevation of plot 9 facing plot 8. The rear garden is approximately 5 metres in depth at its centre point. The future occupants of plot 8 may experience some overlooking of their garden from the first floor windows of plot 9, which are to habitable rooms (bedrooms). However, the occupiers of plot 8 would be buying the property in full knowledge of the situation. Plot 9 is set at an angle so as to avoid direct window to window overlooking. To remove this dwelling, would impact the street scene along Cyprus Road so on balance, given the angled relationship between the dwellings, that both properties are new and likely to be constructed simultaneously and that there are not considered to be any other amenity impacts from the development either for existing or future occupants. On this basis the proposal is considered acceptable and in accordance with paragraph 17 of the NPPF and Policy DC01 of the adopted Core Strategy.

Highways

The objectors have raised concerns that the levels of parking are insufficient and that this is a congested route and a bus route and there would be pressure for parking along Chapel Road, which would exacerbate the current situation. The levels of parking proposed is considered acceptable for the number and size of dwelling proposed and is in accordance with policy DC19 of the adopted Core Strategy. The number of spaces is also not objected to by the Highways Authority. It is considered that there is sufficient additional hardstanding to the rear of the properties to provide for additional visitor parking if required. Concerns with regards to parking outside of the front of properties are shared by the Highways Authority, who have suggested that they would monitor the situation for 12 months post construction and if the matter is causing local highway issues then the developer would need to address the concerns through the provision of appropriate highway works. This could be done through a suitably worded section 106 agreement. This could include making the corner of Chapel Road and Cyprus Road double yellow lined. The exact details of the section 106 are being discussed and an update will be provided to Members at the Planning Committee.

The Highways Authority raises no objection to the application, subject to the imposition of conditions with regards to road and footway widths and visibility splays, which could be added to any subsequent permission.

The proposal therefore is considered acceptable in highway safety terms and as it is located within walking distance of the town centre and on a bus route, the proposal is also considered in accordance with Policy 4 of the NPPF and Policy IP04 of the adopted Core Strategy.

Trees

The tree officer supports the retention of the tree in the north-eastern corner of the site. Although, still quite close, it is considered that Plot 10 is in an acceptable position in relation to this tree. Subject to a condition with regards to works taking place adjacent to the tree, the proposal is considered acceptable and in accordance with Policy DC12 of the adopted Core Strategy.

Ecology

The County Ecologist has commented that they would prefer to see the retention of the tree also. As stated above the tree would be retained and a condition added to protect the tree during the course of the development. If at a later date that tree was removed, bats are a protected species and therefore any presence of bats would require a licence from Natural England to do works to the tree if bats. The proposal is therefore considered in accordance with Policy 11 of the NPPF.

Drainage

The East Harling IDB have responded to the application raising concerns with regards to drainage. The Lead Local Flood Authority have also objected to the proposal as the proposed drainage strategy is not sufficient. The Environment Agency raise no objection to the application but ask for additional information with regards to drainage from SUDs. To address the concerns of all parties a condition is recommended for the applicant, prior to commencement, to submit an acceptable drainage strategy for the site. The development could not proceed without this, On this basis the proposal is considered in accordance with Policy 10 of the NPPF and DC13 of the adopted Core Strategy.

Other matters

Contamination

The Environment Agency and Environmental Protection have raised no concerns with regards to contamination, subject to the imposition of conditions and therefore the proposal is considered acceptable and in accordance with Policy 11 of the NPPF.

School Site

The objectors have raised concerns that this development has not been brought forward in connection with the neighbouring school site, due to be relocated. The neighbouring site is owned by the County Council, who have also raised concerns with regards to the development of this site preventing their site from being redeveloped also. It is not considered that the development of this site, or the manner in which the site has been laid out/signed would affect the delivery of the neighbouring site as the proposal is considered acceptable in principle and is proposed to be developed in character with the area, which the neighbouring site would also have to do. The sites are separate and the application which has been submitted must be considered on its own merits, we are unable to delay the determining of this application whilst awaiting a further application on the neighbouring site.

Conclusion

The application is unlikely to have a significantly negative impact on the street scene or the amenity of neighbouring properties and for the reasons given above is therefore recommended for approval, subject to conditions, in accordance with Policies 6, 7, 10 and paragraph 17 of the NPPF, as well as Policies SS1, CP01, DC01, DC02, DC11, DC12, DC13, DC16 and DC19 of the adopted Breckland Core Strategy.

RECOMMENDATION

Planning Permission

CONDITIONS

2001	Application Approved Following Revisions
3007	Full Permission Time Limit (3 years)
3750	highways works - access, visibility, footway widening
3760	Chapel Road monitoring and potential works
3920	Drainage
3921	Contaminated Land Informative 1
AN81	Discharge of conditions
CL06	Non standard contamination condition
CL03	Unexpected Contamination

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PD07	No PD for classes A B C D & E	
3994	Stopping up order note	
3994	Drainage and SUDs condition notes	
ER18	Construction Method Statement	This condition will require to be discharged
LB03	Window details to be agreed	This condition will require to be discharged
LS01	Landscaping scheme to be submitted - hard and soft	This condition will require to be discharged
LS07	Retention of trees and hedges	This condition will require to be discharged
LS06	Fencing protection for existing trees	This condition will require to be discharged
LS09	Boundary treatment/screening to be agreed	This condition will require to be discharged
MT03	External wall and roof materials to be agreed	This condition will require to be discharged

ITEM: 11	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0388/F	CASE OFFICER Lisa ODonovan
LOCATION: HARLING Land off Church Road	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: Adjacent LB GRADE: N TPO: N
APPLICANT: Mr Mathew Barker The Paddocks The Heywood	
AGENT: Hunter Architects & Planners 3 Navigation Road Altrincham	
PROPOSAL: Erection of 4 detached dwellings and 2 semi-detached dwellings, with associated access, landscaping and servicing	

KEY ISSUES

Principle of development
Impact on form and character of the area/landscape impact
Impact upon amenity
Impact upon highway safety
Impact on the East Harling Conservation Area
Other issues

DESCRIPTION OF DEVELOPMENT

The application seeks full permission for the erection of 6 dwellings on land off Cheese Hill, East Harling. Three house types are proposed, all of which are two-storey and will accommodate four bedrooms.

Plots 1 and 6 will have detached garages, plots 2 and 5 attached garages with plots 3 and 4 being the affordable housing units will have no garages but parking to the side.

Access is proposed from Church Road, there is an existing access point, it is proposed to improve this in order to accommodate the development.

SITE AND LOCATION

The parcel of land lies to the rear of a group of dwellings, including a dentist and the fire station fronting Church Road. A small access track exists between the dental surgery and the telephone exchange which will be improved in order to serve the proposed development. The site area is 0.48 hectares and is currently agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

HARLING P C

Harling PC do not support this application. At a meeting of the Parish Council on the 25th April the following observations were made: The development is outside of the village envelope. Concerns over no pedestrian footpath, residents expected to walk in the road along with vehicles using this road. Each property will have a minimum of 2 vehicles, thus generating more then the stated 4-5 movements extra vehicle movements per day, deliveries and visitors etc not taken into account. Extra vehicle movements will have an impact on the

B1111 which already has a high volume of traffic. During construction period large vehicles using this narrow lane will cause obstruction and delay to users of the B1111. The lane although being increased in width is only being increased to the minimum allowed.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to condition.

HISTORIC BUILDINGS CONSULTANT

No objection. In my opinion, the proposed development will not impact on the setting of the adjacent conservation area.

HISTORIC ENVIRONMENT SERVICE

Based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

FACILITIES MANAGEMENT

Acknowledged, but no further comments

ENVIRONMENTAL HEALTH OFFICERS

I have considered the submitted application and would not raise any environmental health objections to the proposal. However as the details of the drainage system included in the information forwarded to me were unclear as to the exact means of disposal, should the proposed development intend to use any type of shared system other than mains drainage or require a pumping station for the disposal of foul water, I would require further information to ensure that any shared responsibility is conditioned if necessary.

ENABLING OFFICER

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC4 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. At present a 40% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.17ha. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. However, NPPG states that affordable housing should not be sought on developments of fewer than 11 units with a Gross Internal Area (GIA) of less than 1000sqm. As more than 1000sqm GIA is proposed within this development then 2 affordable units would be required, 1 for rent and 1 for intermediate housing. The proposed 2no 2-bed semi-detached homes appear to meet this requirement. In order to meet need, we currently favour the provision of 2-bed 4-person units. The affordable housing should be integrated into residential layouts to provide a distribution of affordable housing within the development site that will enhance community cohesion. Again, the proposed layout seen by this section appears to meet this requirement. The links below contain details of the standards, including the space standard, required by the Homes and Communities Agency for the current affordable homes programme 2015-18. All affordable units should meet these standards. At 80m², the proposed units meet and slightly exceed the relevant standard of 79m². The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

Site notice erected: 18-04-2017

Consultations issued: 07-04-2017

16 letters of objection were received raising issues such as: the land being outside the settlement boundary - contrary to policy, traffic/highway safety implications, possible archaeological features, impact on infrastructure, no need/requirement in the village for more large homes, loss of view and impact on property values.

The majority of these issues will be fully addressed within my report. In respect of the loss of views and impact on property values, these are not material planning considerations.

18 letters of support were received raising the following: the development will provide more support for the existing village amenities and services, the proximity to these services, much needed development/allowing people to remain in the village, it's well screened, no real views, aesthetically pleasing development, no real traffic implications given low speeds in the village at this point.

ASSESSMENT NOTES

Principle

The application seeks Outline consent for the erection of 6 dwellings, four with garages with two affordable housing units on land outside of the East Harling settlement boundary. For this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

The NPPF identifies that all new development should be sustainable. The three dimensions of sustainable development are:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

Economic - whilst the land is in the applicant's ownership and is therefore available and would cause some economic benefit by way of providing jobs in relation to the construction, the relatively small scale of development means that this will be minimal. The land lies outside of the settlement boundary, therefore this land is not considered to be the right type or within the right place as defined by paragraph 7 of the NPPF.

With regard to whether this is a suitable location, the site is outside the Settlement Boundary of East Harling however the access track is situated within it. The development site is therefore considered closely related to it and the services within the village. East Harling is classified as a Service Centre Village and therefore does benefit from community facilities such as a primary school and nursery, a shop, butchers fish and chip shop, 2x public houses a doctors surgery and a village hall, most of which are within walking distance from the site, any new dwelling would therefore further support these village services. East Harling also has relatively good public transport links to Norwich, with a Monday-Friday Am and PM service.

In addition, the amended scheme proposes two units of affordable housing accommodation which appear to meet the required space standards as required by the Homes and Communities Agency.

In light of the above, the proposal is considered acceptable when viewed in the context of the social dimension of sustainable development.

Environmentally, it is accepted that there are other dwellings to the south of the site, however the predominant character of development in this area is linear, frontage development. Paragraph 56 of the NPPF states 'Good design is a key aspect of sustainable development'. This proposal introduces backland development contrary to this historic pattern, it is therefore not considered to contribute to protecting or enhancing the natural, built or historic environment. In addition, the site comprises of a large parcel of agricultural land, away from the built environment and the proposal would therefore result in the further visual intrusion of development within the countryside.

On balance and in light of the above factors, the proposal is not considered to offer significant benefits in order to outweigh the harm caused by development contrary to the above mentioned policies and taking account of paragraphs 7, 8, 11, 12, 13, 14 and 56 of the NPPF.

Impact on form and character of the area

As previously mentioned, the pattern of development in the vicinity of the site is that of linear frontage development, comprising of reasonably large dwellings set in large plots with large frontages and reasonably long rear gardens. The properties along Church Road lie within the designated Conservation Area. The area comprises of the main core of the village with many historic properties of varying materials and age. The proposed development introduces 4 large, family dwellings and 2 semi-detached properties on land behind this road fronting pattern of development. The result is a development which appears divorced from the principle pattern of development and physically separate from Church Road due to the existing properties and gardens, contrary to the overriding pattern of development in this location. Additionally, there is concern that if approved, the development could set an undesirable precedent for similar proposals, i.e. intervening vehicular access points between existing dwellings which would affect the character of the streetscene. As a result, the proposal is considered contrary to Policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document and paragraph 58 of the NPPF.

The dwellings themselves are unlikely to be visible from the street. However, they are not exceptional in their design, and given their position, at odds with the over-riding grain of development in this location, the development fails to take the opportunity to improve the character and quality of this area, not in accordance with paragraph 7 of the NPPF.

Impact on amenity

The proposal provides 6no. dwellings on generous plots with adequate separation distances between them,

therefore in terms of amenity of the potential occupiers, the proposal is considered acceptable. It is acknowledged that the distances between the dwellings, the orientation of the site and the sensitive positioning of first floor windows will ensure that over dominance, overlooking and loss of light will not adversely impact the future occupants.

Notwithstanding the above, it is considered that the addition of 6 dwellings, set behind existing development, is likely to create an unacceptable increased level of additional noise and disturbance, particularly to the occupiers of the dwelling known as The Croft, generated by daily vehicular movements resulting from this additional development. In this regard, the proposal is not considered to comply with Policy DC01 and paragraph 17 of the NPPF.

Impact on highway safety

The proposal seeks to utilise an existing access off Church Road, as a result Norfolk County Council Highways Authority was consulted. An amended plan was requested to indicate that the access could be surfaced to achieve a 4.8m width for at least 10m from the county highway. This was submitted and the Highway Authority have advised that subject to the his amendment and widened access, there are no objection to the proposed development subject to conditions requiring: the upgraded/widened access; the access, parking and turning area being provided and a construction management plan. These would be attached to any approval given, the proposal is therefore considered acceptable in terms of highway safety.

Impact on the East Harling Conservation Area

The main application site lies approximately 20m from the conservation area, with a large portion of the access being within it.

Any decisions relating to conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 72, as well as satisfying the relevant policies within the National Planning Policy Framework and the development plan. National policy states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Core Strategy Policy DC17 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

The Harling Conservation Area includes the historic core of the village and is characterised by an intricate pattern of development, with narrow streets lined by primarily traditional brick and flint cottages, with some larger houses, creating an intimate character.

The development site is situated away from the main, historic core of the village and does not impede with any important views of any important landscape features or listed buildings, as a result it is considered that the scheme would preserve the character and appearance of the Conservation Area, and that the proposal is acceptable in these terms having regard to the requirements of s72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.' That said, given the site's proximity to the Conservation Area consideration has been given to the pattern of development in this area which originates from the Conservation Area, these considerations have been set out above.

The Historic Buildings Officer was consulted and subsequently raised no objection to the scheme, advising that in his opinion, the proposed development will not impact on the setting of the adjacent conservation area.

With regard to the comments raised regarding the historic use/archaeological interest of this land, the Historic Environment Service were consulted on the proposal and subsequently raised no objection. As a result, the land is not considered to be of any particular, historic importance.

Other issues

The Council's Tree and Countryside Officer was consulted on the proposal. It was concluded that there are no likely arboricultural implications resulting from the development, the proposal is therefore considered to have due regard to Policy DC12.

The application was accompanied by a Preliminary Ecological Assessment. This assessment highlights that there are no significant ecological constraints that would adversely affect the proposed development. The recommended mitigations measures identified in this report could be suitability conditioned. The proposal therefore has had due regard to Policy CP10.

Environmental Health Officers

Have considered the submitted application and would not raise any environmental health objections to the proposal. However as the details of the drainage system included in the information forwarded to me were unclear as to the exact means of disposal, should the proposed development intend to use any type of shared system other than mains drainage or require a pumping station for the disposal of foul water, I would require further information to ensure that any shared responsibility is conditioned if necessary.

Conclusion

The site is outside of the Harling settlement boundary and does not meet all of the three dimensions of sustainable development as defined by paragraph 7 of the NPPF. Whilst the scheme has been amended to include two units of affordable housing, this benefit alone is not considered to outweigh the harm identified above. As a result the proposed development is not considered sustainable and would be contrary to paragraphs 7, 8, 13, 14 and 17 of the NPPF.

As the form and character of development does not adequately reflect that of the primary development pattern, at odds with the overall character of the area, contrary to Policy DC16 and paragraphs 56 and 58 of the NPPF. In addition the development is likely to have an adverse impact on the level of amenity enjoyed by the occupiers of nearby dwellings through the use of the proposed access and is therefore contrary to Policy DC01 and paragraph 17 of the NPPF.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- | | |
|-------------|---|
| 9900 | Form and character |
| 9900 | Amenity impact - noise and disturbance |
| 2002 | Application Refused Following Discussion - No Way Forward |
| 2009 | Criterion E - Planning Apps Where Refused |

ITEM: 12	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0433/O	CASE OFFICER Debi Sherman
LOCATION: WHISSONSETT Telephone Exchange Mill Lane	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr John Newton c/o Parker Planning Services	
AGENT: Parker Planning Services Ltd Ketteringham Hall Church Road	
PROPOSAL: Erection of 1 No. self-build dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application is before the Committee for consideration as the proposal represents a departure from the adopted Development Plan.

KEY ISSUES

Principle of development
Impact on character and appearance of the area
Amenity
Highways
Contamination

DESCRIPTION OF DEVELOPMENT

The application relates to 1.no self build dwelling. Access is for determination at this stage with all other matters reserved for future consideration.

SITE AND LOCATION

The site is located beyond the south-western edge of the village, on the southern side of Mill Lane. It is relatively isolated on that side of Mill Lane. To the west of the site lies an abandoned aggregate quarry which has not been filled, it is surrounded by mature landscaping. There is a significant difference in ground levels of approximately 10m. To the east and south of the site lie open fields.

The site currently contains a single storey former disused telephone exchange. The levels on site vary. The majority of the site is elevated in relation to the road by approximately 1m. The site is undulating at present with an element of mounding particularly towards the rear of the site. The site is open with the exception of the boundary shared with the former aggregate quarry.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is located in a village with no footways or lighting and with very limited facilities. It is therefore considered that any residents would be reliant on travelling by car to access services and amenities required on an every day basis. If your Authority is minded to grant approval details of parking and turning will be required to form part of any Reserved Matters submission

CONTAMINATED LAND OFFICER

The site is located next to a large former pit. Our records indicate that the pit has been used for the disposal of waste. The nature of the waste is not known. It is also possible that the site s former use as a telephone exchange could have caused some contamination to occur in/around the building. Based on the information provided to me at this time, I consider there is insufficient evidence for me to ensure the development will not cause significant environmental concern. Development of such sites may incur significant remedial costs, and there may be a case at this location for requiring the site investigation prior to granting permission.

PUBLIC RIGHTS OF WAY OFFICER

No Objection on rights of way issues.

HISTORIC ENVIRONMENT SERVICE

Based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

Three letters of support:

- development would enhance the area
- improve the appearance of the site
- the site is crying out to be developed

Two letters of objection:

- concerned about complaints from new residents regarding the existing pig rearing unit
- Openreach have 2no. exchanges adjacent to the plot, there are concerns regarding the ability to service the exchanges, the traffic disruption it would cause and the potential disruption to service if they cannot be maintained

ASSESSMENT NOTES

1.0 Principle of Development

1.1 The application site lies outside of the defined settlement boundary for Whissonsett. For this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

1.3 Whilst outside of the settlement boundary, the application site is a vacant telephone exchange that was in use for many years for commercial purposes. The site is therefore considered to be brownfield land. Paragraphs 17 and 111 of the NPPF encourage the re-use of brownfield land that is not of high environmental value.

1.4 In light of the above, it is necessary to consider the economic and social benefits of the development, which can be summarised as follows:

- The provision of one new dwelling that would provide additional housing and support businesses and facilities by increased expenditure within the local economy from the new dwelling;

- Initial job creation during construction phase and additional employment opportunities generated by subsequent supply chain.

1.5 In terms of other environmental considerations, a dwelling could improve the visual amenities of the site in context of its surroundings. At present the site is somewhat unkempt and unsightly.

1.6 Whissonsett benefits from limited and infrequent bus services and does not have a local shop. Whilst it does have a village hall, church and post office, future occupants of the development would be largely reliant on the private car to access day-to-day requirements including shopping and community facilities. Whilst this consideration weighs against the proposal, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also acknowledged that a wider range of facilities, such as schools and a pub, are available a short trip away in the nearby villages of Brisley and Colkirk which would be likely to derive some support from the development. In addition, four miles north is the town of Fakenham which has a much broader range of local services. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

1.7 To conclude on this issue it is considered that the balance of arguments is in favour of the proposal. Whilst some harm would be caused due to the need to travel by car to access most local services, this harm would be small and would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly, it is considered that the development is acceptable in principle.

1.8 The application proposes a self-build plot. Breckland's Self-Build and Custom Register identifies 98 persons who are interested in such building plots, of those 88 either reside in the District or have connections to the District. The Housing and Planning Act 2016 places a duty on councils to grant permission on enough serviced plots to meet demand. This site could contribute to meeting that demand.

2.0 Impact on the Character and Appearance of the Area.

2.1 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. The proposal is on land that forms part of the wider agricultural area and there is a distinct boundary between the village edge and the agricultural land. However, the site is seen in context of the adjacent disused quarry and the mature landscaping that surrounds it. When this is taken into account with the existing built development on site and the issues associated with its current untidy appearance, it is considered that a well considered design that respects the constraints of the site could achieve a degree of visual betterment.

5.0 Amenity Impact

5.1 Policy DC1 seeks to protect the residential amenity of the site.

5.2 It is considered that the proposal would not create any adverse impacts other than during the construction period. It is unlikely that any adverse impacts would occur for the new occupants other than those disturbances that would be created by the existing uses of the surrounding area. Issues relating to the nearby pig rearing unit would be subject to existing Environmental Health legislation regarding nuisance and as the unit has been in operation for a period of time, it is considered that a new dwelling on the site would be likely to justify complaints in that regard.

5.3 As a result, the proposal would not conflict with Policy DC1.

6.0 Highways Impact

6.1 The Highway Authority has raised no objections subject to conditions. The former use as a telephone exchange would have necessitated a number of regular vehicle movements, it is considered that the vehicle movements associated with a single dwelling would not have a material adverse impact on highway safety in comparison to the lawful use.

6.2 Comments have been received regarding access to the remaining telecommunications apparatus adjacent to the site and the potential conflict with a new dwelling on the site. On the basis, that the service provider sold the site for development, it is reasonable to assume the implications of access for maintenance/servicing would have been considered. Further, it is not uncommon elsewhere for apparatus to lack dedicated parking, this is not considered to represent a barrier to the development of this site.

7.0 Contamination

7.1 There remain outstanding matters in relation to contamination at the time of writing this report. The issues centre on the adjacent disused aggregate quarry although as a result of the updated Phase 1 Contaminated Land Survey there is potential for some contamination as a direct result of the site's former use. Further comments are awaited from the Council's Contaminated Land Officers which will be updated for the meeting but it is considered feasible that outstanding issues could be dealt with by appropriately worded conditions.

8.0 Conclusion

8.1 In conclusion, it is considered that, on balance, the proposal would constitute a sustainable form of development as defined in paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity or highway safety and would not adversely impact upon the character and built form of the surrounding area. Further, the site is considered to represent the redevelopment of brownfield land, close to the edge of the existing village, as well as contributing to the Council's supply of self build plots in the District.

8.2 On this basis, the significant benefits deriving from the development would outweigh the harm by way of conflict with development plan policy as the proposal would form sustainable development when taking into account the Development Plan and policies of the NPPF as a whole.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3005	Outline Time Limit (2 years)
3750	Non-standard highways condition
3760	Non-standard highways condition
3770	Non-standard highways condition
3994	Non-standard note

BRECKLAND COUNCIL - PLANNING COMMITTEE - 31st July 2017

2014	Criterion E - Planning Apps Where Approved	
3408	Landscaping - details and implementation	This condition will require to be discharged
DE08	Slab level to be arranged	This condition will require to be discharged
LS09	Boundary treatment/screening to be agreed	This condition will require to be discharged
3949	Contaminated Land - Site Investigation/Remediation	This condition will require to be discharged

ITEM: 13	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0491/O	CASE OFFICER Heather Byrne
LOCATION: HARLING Land off West Harling Road	APPNTYPE: Outline
APPLICANT: Mauleys Farm C/o Parker Planning Services	POLICY: Out Settlemt Bndry
AGENT: Parker Planning Services Ketteringham Hall Church Road	ALLOCATION: N
PROPOSAL: Erection of up to 3 dwellings	CONS AREA: N
	LB GRADE: N
	TPO: N

REASON FOR COMMITTEE CONSIDERATION

This application is referred to Planning Committee at the request of the Ward Representative.

KEY ISSUES

Principle of development
Impact upon character and appearance of area
Impact upon amenity
Impact upon highway safety
Impact upon ecology

DESCRIPTION OF DEVELOPMENT

This application seeks outline consent with approval being sought for access only for up to three dwellings on land to the west of Harling Road.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and currently forms part of a larger agricultural field. The site is bounded to the north east by a residential dwelling to the north, west and south by the agricultural field the site forms part of, and to the east by the highway.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

HARLING PARISH COUNCIL

Harling PC object as the proposal would have an unsafe access on a narrow quiet lane and the site is located outside the Settlement Boundary.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The application is supported by a preliminary ecological appraisal (PEA) (Parker Planning Services; Feb 2017) which conforms to industry best practice and is fit for purpose. The PEA indicates that ecological impacts from this application are low and therefore if approved a condition should be imposed relating to mitigation/enhancements as highlighted within the PEA.

CONTAMINATED LAND OFFICER

The above site is in the vicinity of a potentially backfilled quarry/pit from which there is the potential for gas migration. A condition should be imposed relating to ground gas and an informative relating to extensions.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

NORFOLK COUNTY COUNCIL HIGHWAYS No Comments Received

Highways Authority - Request relocation of site access.

Officer note: A revised plan has been submitted and comments are awaited.

REPRESENTATIONS

11 representations were received. 7 objections received raising the following comments:

- Ribbon development outside the settlement boundary;
- Would set a precedent for future applications;
- Approved site already within the settlement boundary;
- Highways issues regarding proposed access;
- Insufficient parking proposed;
- Impact in terms of noise and disturbance;
- Impact upon adjacent business;
- Impact upon services and facilities; and
- Need smaller starter homes.

4 representations in support making the following comments:

- Would provide building plots for the village;
- Could provide affordable housing/self build plots;
- Within the existing 30mph speed restriction;
- Would have less visual impact; and
- Existing housing opposite the site.

ASSESSMENT NOTES

1.0 This application is referred to Planning Committee at the request of the Ward Representative.

2.0 Principle of development

2.1 This application seeks outline consent with approval being sought for access only for up to three dwellings on land to the west of Harling Road. The site is located outside of the Harling Settlement Boundary and therefore the application is contrary to Policies SS1, DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. The principle of the proposal is therefore not accepted.

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet

future need in a high quality environment with accessible local services and

- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.5 In terms of the economic and social criteria, the proposal would provide up to three new dwellings and would therefore make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance. It should be noted if the application is approved to ensure the deliverability of the development a planning condition would require a reduced time period of commencement.

2.6 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Harling is classified as a Local Service Centre Village through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document with services including a village hall, church, pharmacy, convenience store, butchers, doctor's surgery, post office, hairdressers, various takeaway restaurants and a primary school. The nearest town that offers services and facilities that has the potential to meet all everyday needs, including shopping and employment is Attleborough, which is located approximately 8 miles away. Thetford is also located approximately 8.5 miles away from the site.

2.7 In regards to public transport bus stops are located opposite the Market Place, approximately 0.5 miles from the site, which are served by relatively infrequent bus services.

2.8 In light of the above, the proposal is considered acceptable when viewed in the context of the social dimension of sustainable development.

3.0 Impact upon character and appearance of area

3.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development, as is design.

3.2 The site lies outside of the defined Settlement Boundary, with the Settlement Boundary lying to the east of the site and approximately 50m to the north, with the adjacent dwelling to the north, also falling outside the defined Settlement Boundary. The site currently forms part of a larger agricultural field, which expands to the South and West.

3.3 The frontage contains vegetation; however views are available from the highway across the site. Whilst it is noted the site currently forms part of a larger agricultural field the indicative plan provided proposes linear

development which would not extend any further to the south than the existing development to the east. Given this close visual relationship of the site to the body of the village and the fact it would follow the existing pattern of development it is considered the proposal would not impact significantly upon the character and appearance of the area.

3.4 To minimise the proposals impact further and to enclose the site from the surrounding field a condition would be imposed relating to the provision of a landscape buffer to the southern and western boundaries to ensure the proposal does not impact significantly upon the surrounding countryside. Also a condition would be imposed stating the proposed built development should not extend further south than the existing development at 31 West Harling Road (to the east).

3.5 In light of the above site-specific context, it is concluded that the development would not appear visually intrusive and would not result in an isolated development in the countryside.

4.0 Impact upon amenity

4.1 In terms of neighbour amenity, the implications would be considered at the detailed planning stage should outline permission be granted. However it is considered due to the single storey nature of the proposed dwellings, existing/proposed boundary treatments and separation distances that the proposal would not result in overlooking, loss of light, privacy, or overshadowing. In regards to the devaluation of neighbouring properties this is not a planning consideration.

5.0 Impact upon highway safety

5.1 The Highways Authority initially commented stating they are aware that a number of cottages opposite the site have no on-site parking and are reliant on parking in the highway. Whilst no individual has the right to park outside their own property it is noted that an access in the location indicated would effectively prevent vehicles parking outside No 27. The Highways Authority therefore suggested that the access is located toward the south of the site and that visibility splays are indicated.

5.2 An amended plan has been provided; however the Highways Authority wished for this to be located to the far south western corner of the site opposite the parking area for no.31. As highlighted above to reduce the proposals impact it is considered a landscape buffer should be provided along the southern boundary, which would prevent this. The Highways Authority have therefore requested the access be re-located opposite the gap between no.27 and 29.

5.3 An amended plan has been provided to relocate the site access and the Highways Authority comments will be reported in the Supplementary report to committee.

6.0 Impact upon ecology

6.1 The Ecologist states the application is supported by a preliminary ecological appraisal (PEA) (Parker Planning Services; Feb 2017) which conforms to industry best practice and is fit for purpose. The PEA

indicates that ecological impacts from this application are low and therefore if approved a condition should be imposed relating to mitigation/enhancements as highlighted within the PEA.

7.0 Other matters

7.1 The Contaminated Land Officer states the above site is in the vicinity of a potentially backfilled quarry/pit from which there is the potential for gas migration and therefore a condition should be imposed relating to ground gas and an informative relating to extensions.

8.0 Conclusion

8.1 The proposal would conflict with Policy CP14 due to its location outside of the defined Settlement Boundary. As highlighted above Harling is identified as a Local Service Centre Village and has a number of facilities to meet the day to day requirements of its residents. In economic terms the development would support growth and the local economy albeit in a limited manner. The proposal would not impact significantly upon the character and appearance of the area and would not result in an isolated development in the countryside.

8.2 On balance, the proposal is considered acceptable and therefore is recommended for approval, subject to conditions.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3003	Early delivery of Housing Time limit
3058	Standard Outline Condition
3047A	In accordance with submitted plans NEW 2017
3920	Contaminated Land - Ground Gas
3920	Ecology - Mitigation Measures
3920	Landscape Buffer
3920	No built development further south than no.31
3923	Contaminated Land - Informative (Extensions)
3988	NOTE: Submitted details indicative only

ITEM: 14	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0535/O	CASE OFFICER: Debi Sherman
LOCATION: COLKIRK Land adjacent 7 Jarvis Drive	APPNTYPE: Outline
	POLICY: Out Settlemt Bndry
	ALLOCATION: N
	CONS AREA: N
APPLICANT: Mr Cameron Starling 39 Holt Road North Elmham	LB GRADE: N
AGENT: AWH Architectural Designs Ltd Kettlestone House Holt Road	TPO: N
PROPOSAL: Formation of 2no. plots for the proposed construction of 2no. dwelling houses	

REASON FOR COMMITTEE CONSIDERATION

The application is presented for determination by the Committee as the proposal represents a Departure from the adopted Local Plan.

KEY ISSUES

Principle
Highways
Trees and landscape
Amenity
Foul Sewerage

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission including access for the construction of 2no. dwellings on land on the north side of Jarvis Close. Access is the only non-reserved matter.

SITE AND LOCATION

The site, which sits towards the centre of the village, lies outside but adjacent to the Settlement Boundary of the village of Colkirk and currently comprises land previously used as a paddock for the grazing of ponies but which is currently unused. The site is bounded on its southern side by Jarvis Drive and has an existing access off Jarvis Drive at the turning head. The site, which comprises 0.22 ha. of land, is surrounded by residential development to the east, west and south.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/00885/O - Outline application for 5 no dwellings & related garages/parking, refused.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 8, 14, 17, 47, 49, 56-66
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

COLKIRK P C

OBJECTS to the above application as the application site is outside the parish settlement boundary and the application is therefore contrary to Core Strategy policy CP14 which restricts development to the established confines of the boundary. The Council notes the comments made by NCC Highways in its response dated 12 June and confirms that, should permission be granted, works would need to be undertaken to Jarvis Drive to bring the road to the current standards required. This would enable service vehicles to use the road with limited inconvenience to existing residents. Jarvis Drive is a development of single storey dwellings and any permission granted should restrict development to a maximum of 2 single storey dwellings with restrictions placed on the permission to restrict either the number or height of the dwellings on the site to that permitted in any outline permission.

NORFOLK COUNTY COUNCIL HIGHWAYS

Since the verge is in the ownership of Breckland Council it is unlikely it will be enclosed and consequently visibility will be preserved. On the basis that the application is submitted in Outline with only Access included for current consideration any Reserved Matters submission will need to include details of parking and turning arrangements. No objections subject to conditions.

CONTAMINATED LAND OFFICER

Recommend approval providing the development proceeds in line with the application details and subject to conditions.

REPRESENTATIONS

Five letters of representation have been received raising the following issues -

- * Adequacy of Jarvis Drive including in terms of its width;
- * Highway safety; increased traffic on Jarvis Drive including commercial vehicles;
- * Condition of Jarvis Drive is unsatisfactory;
- * Value of widening part of Jarvis when the remainder cannot be widened, result in adverse visual impacts
- * Alternative access available off Conference Way
- * Verge now in the ownership of Breckland Council - retention for visibility purposes within the control of the Council, covenants apply
- * Site is greenfield and surrounded by mature trees;
- * Impact on wildlife;
- * Proposal for two storey houses is out of kilter with the existing bungalows on the drive;
- * Impact on sewerage system;
- * Overdevelopment

ASSESSMENT NOTES

1.0 The application is presented on the basis it is a departure from the Local Plan.

2.0 Principle

2.1 The site lies outside, but immediately adjacent to, the adopted Colkirk Settlement Boundary. For this reason the proposal conflicts in principle with Policies SS1, DC2, CP1 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009).

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.5 In terms of the economic and social criteria, the proposal is to provide 2 dwellings which would contribute to the housing supply.

2.6 Environmentally, the area is currently an unused paddock surrounded by mature tree planting and hedges. It is not subject to any nationally recognised landscape or wildlife designations. The site is adjacent to the existing settlement boundary and within the built up part of the village with existing built form to the west, east and south.

2.7 Whilst the proposal would involve the development of an existing area of open land, the harm caused to the rural setting of the village would not be significant and would not outweigh the benefits of the proposal. The scheme is, therefore, considered to represent sustainable development.

2.8 Footnote 11 of the NPPF confirms that the site should be in a suitable location, available now, and have a realistic prospect of being developed within five years. The application is in outline form. Normally it is expected that applications being considered having regard to the five year supply would be full applications to provide the confidence that the site would be delivered within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development.

2.9 In regard to whether this is a suitable location, Colkirk is classified as a rural settlement through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and the spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities.

2.10 The village has a number of amenities comprising the village hall (including pre-school); primary school; village pub and church. Given there are no shopping facilities in the village it is recognised that the occupants will have to rely on the private car or public transport in order to undertake shopping trips for their daily and other needs.

2.11 Whilst this need to travel for some services is recognised, Para 55 of the NPPF states that housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements.

3.0 Highways

3.1 Norfolk County Council Highways raise no objections, partly on the basis that the verge is in the ownership of Breckland Council and it is unlikely that the verge would be developed in such a way to adversely affect visibility. There are also concerns regarding the value in widening this section of Jarvis Drive when the remainder of the road cannot be widened. The scheme now only proposes 2 no. dwellings which would generate significantly less vehicle movements than the previous proposal. To this end, alterations to the highway are not considered proportionate or reasonable in this instance.

3.2 The alternative access has been explored with the applicant. It has been stated it was discounted on the basis of the ease of access via Jarvis Drive to facilities within the village, the potential interference with a public right way between the site and Conference Way and the desire to retain the existing hedgerow that would need to be removed to facilitate such access. On the basis that no objections are raised by the Highways Authority to the proposed access, the alternative access cannot be justified in planning terms.

4.0 Trees and Landscape

4.1 Previously, the Tree and Countryside Consultant acknowledged that there are no particularly outstanding trees on the site. Whilst layout is a reserved matter, it is considered that the development of the site for two dwellings can be accommodated without detriment to trees or hedges and can be adequately controlled by condition.

5.0 Amenity

5.1 Potential impacts on existing residential amenity, by virtue of overlooking, overshadowing, loss of privacy or outlook and with respect to the dwellings within the site itself, would be assessed at the reserved matters stage. However, the submitted indicative site layout satisfactorily demonstrates that 2 dwellings could be accommodated on the site in such a way as to satisfactorily preserve existing residential amenity

6.0 Foul drainage

6.1 Following the submission of a revised application form, it states that the development would be serviced by the mains sewerage system.

7.0 Conclusion

7.1 Notwithstanding that the site lies outside the Settlement Boundary of the village of Colkirk and is, in part, car reliant, but the scheme is considered to broadly represent sustainable development in relation to Paragraphs 14, 47 and 49 of the National Planning Policy Framework. In addition, Members should also recognise the ability of the scheme to support those services and facilities in the village and its surrounds.

7.2 Approval is recommended subject to conditions.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

2001	Application Approved Following Revisions	
3003	Early delivery of Housing Time limit	
3012	Approval of Reserved Matters condition	
3047A	In accordance with submitted plans NEW 2017	
3412	Trees/hedges to be retained	
3414	Fencing protection for existing trees	
3740	Any highway conditions	
3848	Foul drainage to main sewer	
3408	Landscaping - details and implementation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 15	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0556/F	CASE OFFICER Natalie Levett
LOCATION: GREAT ELLINGHAM Bow Street	APPNTYPE: Full
	POLICY: Out Settlement Bndry
	ALLOCATION: N
	CONS AREA: N
APPLICANT: Mr & Mrs Thomas c/o Agent	LB GRADE: N
AGENT: Patterson DESIGN Ltd Suva House Attleborough	TPO: N
PROPOSAL: Demolish workshop & erect two storey dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application has been referred to committee because the site is outside of any Settlement Boundary and is recommended for conditional approval.

KEY ISSUES

- Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Area
- Amenity Impact
- Highway Safety and Traffic Implications
- Impact on Trees
- Drainage
- Archaeological Impact

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to build a two storey, detached dwelling. The dwelling will be 11.6m wide and a maximum of 7.8m deep. It will be 3.4m to the eaves, 7.7m to the ridge and include front and rear dormers. The design will include a red brick plinth, rendered walls and rosemary roofing tiles. It is proposed to create a new access off Bow Street. The plans also indicate the proposed position of a future garage.

SITE AND LOCATION

The application relates to an 850 square meter site, located outside of the Great Ellingham Settlement Boundary. It is bounded to the north and south by residential dwellings; west Bow Street and east open agricultural fields. A mixture of mature vegetation and trees surround the site to the east, south and west. Located on the site is a private garage and workshop. Bow Street is a narrow country lane where the housing is generally sporadic.

EIA REQUIRED

Not required.

RELEVANT SITE HISTORY

- 3PL/2016/0914/F: Demolition of existing workshop and erection of a dwelling - refused

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable.

CONSULTATIONS

GREAT ELLINGHAM PARISH COUNCIL

Councillors raised no objections to the application. In view of Great Ellingham's "dark sky" status, Councillors request that a lighting clause is included in any permission granted. National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this application should be: 1) fully shielded (enclosed in full cut-off flat glass fittings) 2) directed downwards (mounted horizontally to the ground and not tilted upwards) 3) switched on only when needed (no dusk to dawn lamps) 4) white light low-energy lamps (LED, metal halide

or fluorescent) and not orange or pink sodium sources

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is located remotely from services , amenities and public transport provision and it is therefore considered that any residents would primarily be dependant on travelling by car to access these on a daily basis.

The site is served by a single track highway with limited provision to enable two vehicles to pass.

It is noted that the workshop is used for domestic purposes but nonetheless would generate a small amount of traffic movement.

As with the previous proposal the applicant is proposing to relocate the site access to provide an acceptable level of visibility and also to provide a passing area.

Given that the site is already capable of generating an amount of vehicular traffic and that the applicant is offering to provide a passing place along the site frontage I consider it would be difficult to substantiate a highway objection based on the traffic movements of a single dwelling.

TREE AND COUNTRYSIDE CONSULTANT

No objection, subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No environmental health objections to the proposal. However, as there were no details of the drainage system included in the information forwarded to me, should the proposed development intend to use a shared system or a septic tank for the disposal of foul water, I would require further information to ensure that sufficient capacity and any shared responsibility is conditioned if necessary.

RAMBLERS ASSOCIATION: NORFOLK AREA

No comment.

HISTORIC ENVIRONMENT OFFICER

No objection, subject to condition.

CONTAMINATED LAND OFFICER

No Comments Received

REPRESENTATIONS

A Site Notice was displayed on 12th May 2017 and four neighbours were directly notified. One representation has been received raising an objection to the application for the following reasons:

1. Outside settlement boundary;
2. Unsustainable development, no means of accessing public transport;
3. Entrance to development almost opposite green lane bridle path on bend in road;
4. Bow Street at its most narrowest point with ditch on one side and high verge on the other;
5. Opens the possibility of more development on what is becoming one of the few country lanes left near Gt. Ellingham, which has currently plans in place for a number of new houses builds.

ASSESSMENT NOTES

1.0 Reason for Committee.

1.1 The application has been referred to committee because the site is outside of any Settlement Boundary and is recommended for conditional approval.

2.0 Principle of Development

2.1 This application seeks full planning permission for the erection of a two storey, 4-bed dwelling to the east of Bow Street, Great Ellingham on land outside of any defined Settlement Boundary. For this reason, the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries.

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where there is a Development Plan, decisions on planning applications should be made in accordance with it, unless material considerations indicate otherwise.

2.3 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.4 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.5 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.6 The previous planning application form stated that the current use of the site is "commercial" containing a workshop and associated parking and detailed the non-residential floorspace. However, clarification was sought on this as there is no planning history for commercial use on the site and the applicant's agent advised by e-mail that it is a "workshop for the owner's classic car so it's really a workshop in terms of a traditional commercial unit but more of a large car garage. The workshop is purely domestic". However, there is no planning history for the site in relation to the workshop and the site appears to be separated from the dwellings and Certificate A has been completed, which means that the applicant is the owner of the land, although the applicant does not live on site or within the vicinity (as detailed under "address"), therefore the lawful use of the site/development is questionable. Maps indicate that the site could have been a residential

garden or agricultural land.

2.7 The current application states that the land is currently used as a "classic car workshop with associated parking". The known use of the site is agricultural. As a result, the land cannot be considered as Previously Developed Land (Brownfield land) in Planning terms as defined in the NPPF (although it would be classed as Brownfield Land if planning permission had been established for the current use of the site).

2.8 The main issues to consider are the design, impact on the character and appearance of the area and highway safety

3.0 Design and Impact on the Character and Appearance of the Surrounding Area

3.1 Policy DC16 requires high standards of design in all new developments and sets out criteria to be met.

3.2 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits, embracing opportunities to enhance the character and appearance of an area. The policy also makes reference to the Council's Landscape Character Assessment, (LCA). These aims are reiterated in paragraph 17 of the NPPF.

3.3 The NPPF highlights, in paragraph 56, that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people".

3.4 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

3.5 Development within the District should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy.

3.6 The environmental role of sustainable development seeks to, in part; contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development.

3.7 The site frontage has mature vegetation and tall, well established trees. These features contribute to the

rural quality of the lane and would be retained as part of the development. The field does not form an important strategic gap in the area, as it is currently concealed. Given the development to either side of the site, the proposal would not materially encroach further into the countryside. Furthermore, the site would be able to comfortably accommodate a dwelling of the proposed scale.

3.8 Development within the vicinity of the site is characterised by a variety of housing designs and sizes. The proposed materials reflect the style of the house to the north. The overall design and character of the house will be consistent with the overall appearance of houses in the area.

3.9 As a result, it is considered that the proposal complies with Policy DC16 and the NPPF.

4.0 Amenity Impact

4.1 Policy DC 1 of the Core Strategy requires that all new development have regard to amenity considerations.

4.2 In terms of neighbour amenity, it is considered the proposal would not impact significantly upon amenity in terms of loss of light, privacy or overlooking due to the proposed separation distances, the orientation of the plot, and existing / proposed boundary treatments. The proposed siting of the dwelling is furthest away from the nearest property and has taken this into consideration.

4.3 As a result, it is considered that the proposal complies with Policy DC01.

5.0 Highway Safety and Traffic Implications

5.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, (DPD), together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

5.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded significant weight in accordance with paragraph 215.

5.3 Paragraph 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations. The provision of housing to meet local needs is identified as a key component of sustainable development and, in this respect, the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote

sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

5.4 The NPPF requires new developments to provide safe and suitable access to the site for all people. Policy CP4 of the Core Strategy and paragraphs 32 and 35 of the NPPF seek to ensure that all access and safety concerns are resolved in new developments. Policy DC19 sets out the car parking requirements and Paragraph 34 of the NPPF seeks to ensure that the need to travel will be minimised and the use of sustainable transport modes will be maximised.

5.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of high quality built environment with accessible local services. Great Ellingham is defined as a Service Centre Village through Policy SS1 of the adopted Core Strategy. However, the application site is located approximately 1.0 mile from the Settlement Boundary. The principal services and facilities within the village are located approximately 1.5 miles from the site. A footway begins at the Settlement Boundary along Hingham Road, although the remainder of the way from Great Ellingham to the site, which any occupier of the dwelling would have to use, is subject to the national speed limit with no footpath or suitable grass verges and no street lighting. Therefore the facilities contained within Great Ellingham are not easily or safely accessible from the site. Occupants of any new dwelling would be largely reliant on the car to undertake shopping trips for their daily needs and to access services and facilities. The nearest town that offers services that has the potential to meet everyday needs, including shopping and employment, is Attleborough which is located approximately three miles away from the site.

5.6 In terms of public transport, a bus stop is located approximately 1.3 miles from the site, which is served by the 6A/X6 bus service, but this provides an infrequent service. However, the same issues arise concerning pedestrian access to the bus stop and, as services are not frequent, this severely limits the likelihood and convenience of bus use. The proposal would thus result in an isolated development, which would offer little support to the maintenance of local services and facilities.

5.7 Norfolk County Council, as the Highway Authority, has been consulted as part of this application. They advised that the site is located remotely from services, amenities and public transport provision and it is therefore considered that any residents would primarily be dependant on travelling by car to access these on a daily basis.

5.8 The site is served by a single track highway with limited provision to enable two vehicles to pass.

5.9 It is noted that the workshop is used for domestic purposes but nonetheless would generate a small amount of traffic movement.

5.10 The applicant is proposing to relocate the site access to provide an acceptable level of visibility and also to provide a passing area.

5.11 Given that the site is already capable of generating an amount of vehicular traffic and that the applicant

is offering to provide a passing place along the site frontage, the Highway Authority considers it would be difficult to substantiate a highway objection based on the traffic movements of a single dwelling and recommend conditions if the application is approved.

5.12 The economic and social benefits of the development can be summarised as follows:

- The provision of one new dwelling that would provide additional housing and support businesses and facilities by increased expenditure within the local economy from the new households;
- Initial job creation during construction phase and additional employment opportunities generated by subsequent supply chain.

5.13 The proposal would conflict with the aims of sustainable transport development.

6.0 Impact on Trees

6.1 Policy DC12 seeks the protection of the district's trees and hedgerows.

6.2 The Tree and Countryside consultant advised that there are no objections to the proposal, subject to conditions.

6.3 The proposal, therefore, complies with Core Strategy Policies DC12 and the policies set out in paragraph 109 of the NPPF.

7.0 Drainage

7.1 Policy CP09 seeks the protection of the environment from pollution and waste.

7.2 No environmental health objections were raised to the proposal. However, as there were no details of the drainage system included in the information, should the proposed development intend to use a shared system or a septic tank for the disposal of foul water, further information to ensure that sufficient capacity and any shared responsibility is conditioned if necessary.

7.3 Subject to conditions, this element complies with Policy CP09 and the NPPF.

8.0 Archaeological Impacts

8.1 Policy DC17 seeks the protection of the historic environment.

8.2 This Historic Environment Service advised that the proposed development sits within an area where

earthworks have been found. These earthworks represent a group of well-defined rectangular ditched enclosures which border the edge of the former Great Ellingham Common, as depicted on the 1797 Faden map. Common edge settlements are typical of the ancient Norfolk landscape and these were normally located on common margins. Furthermore, numerous artefacts have been found in the vicinity surrounding the plot of this development, including Late Bronze Age, medieval and post-medieval metalwork. Consequently there is potential that buried archaeological remains may be present at the site and that their significance will be affected by the proposed development.

8.3 They recommend that if planning permission is granted, that it is subject to a programme of archaeological works in accordance with National Planning Policy Framework paragraph 141.

8.4 Subject to conditions, Policy DC17 and the NPPF is complied with.

9.0 Other Matters

9.1 The Housing Enabling Officer has no objection to the proposal providing that the GIA, including the garages, is under 1,000sqm. The application submission details the GIA for each dwelling and combined they equate to 994.4sqm.

10.0 Conclusion

10.1 Planning law requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, being located outside of any Settlement Boundary, the proposed development would conflict with policies SS1, CP14 and DC02 of the Core Strategy, which set out the approach to directing housing developments in the district and which are considered to carry significant weight. Therefore, it is necessary to consider whether any such material considerations, including national planning policy, which would justify a departure from policy.

10.2 The proposal is a finely balanced case for the reasons outlined above. However, given that the site is akin to an infill plot and would not set a precedent for further development, it is considered, in this instance, that planning permission is granted conditional approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)
3047A	In accordance with submitted plans NEW 2017
AR03	Non standard archaeological condition
HA08	New access - construction over verge

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HA24	Provision of parking and servicing - when shown on plan	
HA39B	Highway improvements off-site B	
AN60	NOTE NCC Inf 1 When off-site road improvements are required	
3996	Note - Discharge of Conditions	
4000	Variation of approved plans	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
3415	Trees and hedges	This condition will require to be discharged
3804	Precise details of foul water disposal	This condition will require to be discharged
HA39A	Highway improvements-offsite A	This condition will require to be discharged
HA13	Access gates - configuration	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
ER01	Full details of external lighting	This condition will require to be discharged

ITEM: 16	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0563/O	CASE OFFICER: Debi Sherman
LOCATION: DEREHAM Westfield Road	APPNTYPE: Outline
	POLICY: In Settlement Bndry
	ALLOCATION: N
	CONS AREA: N
APPLICANT: Trustees of the GR Scott Will c/o Agent	LB GRADE: N
AGENT: Beacon Planning Ltd 8 Quay Court Colliers Lane	TPO: N
PROPOSAL: Outline planning application for residential development up to 100 dwellings including details of access	

REASON FOR COMMITTEE CONSIDERATION

This application is referred to Committee as a major development proposal.

KEY ISSUES

- Principle of development
- Affordable Housing
- Effects on local character and amenity
- Traffic

DESCRIPTION OF DEVELOPMENT

Outline permission is sought for up to 100 dwellings, with all matters except access reserved for later consideration. Access to the proposed housing would be via a new residential estate road off Westfield Road. An existing bungalow (No 51 Westfield Road) would be demolished to create the access road. Indicative details provided show a conventional arrangement of dwellings, with a central area of public open space. It is proposed that 40% of the development would be provided as affordable housing. The application is supported by a Planning Statement, Design & Access Statement, Transport Assessment, Flood Risk Assessment, Economic Viability Assessment, Archaeological Assessment, Noise Assessment, Habitat and Species Surveys, Contamination Report and a Utilities report.

SITE AND LOCATION

The application site is located within the Dereham Settlement Boundary, approximately 1.8 km to the south of the town centre in Toftwood. The site is situated within an area of mixed development, including housing, commercial and educational uses. The main body of the site comprises an area of open grassland and extends to around 3.6 hectares. The land is bounded to the south and west by housing and to the north and east by commercial development forming part of the Rash's Green Industrial Estate. The site is separated

from the Rash's Green by established trees and hedging; remaining boundaries are mainly delineated by fencing.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/0846/O - Residential development of up to 100 dwellings, including access, refused. Dismissed on appeal 11.04.17.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.05	Developer Obligations
DC.02	Principles of New Housing
DC.06	General Employment Areas
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

A Section 106 Agreement is currently being drafted to include obligations relating to the provision of affordable housing, on-site public open space and financial contributions to improve local schools (circa £302,744), library services (£7,350) and medical practice facilities (£31,520).

CONSULTATIONS

DEREHAM T C

The original application there was a proposal to introduce a 20mph speed limit as the mitigation for the additional vehicle movements. This did not address any of the transport impact resulting from the development.

The Dereham Transport Study looked at the Shipdham Road Westfield Road junction. The Study concluded

that this junction would be over capacity by 2036 without any developments (i.e. natural background growth). It goes on to say that the junction would clearly be inadequate to provide access to the Westfield Lane and Shipdham Road development sites for the volume of traffic that has been assumed. It was recommended that this route is not used for development traffic because of the existing homes and the lack of priority at the junction with Shipdham Road. Transport Assessment has not looked at the capacity of this junction.. NCC Safe and Sustainable Development document, where it states that any increase in traffic on a link of a junction, where all links into a junction have less than 15% spare capacity could be considered material

or significant. Understanding the capacity of this junction with this development is therefore important that no detailed analysis to show that residents of the new development can access Cycle Route 13, the Town Centre or the Secondary Schools. concern regarding the Zebra crossing at the Shipdham Road junction there have been a number of near misses with drivers not noticing people on the crossing. If some form of pelican crossing could be

introduced, it would be more conducive to pedestrian safety and would make the traffic flow better. Right Turn Pockets for cyclists at the junctions with Shipdham Road and Westfield Lane and Middlemarch Road should be considered as they will make accessing cycle route 13 more conducive for cyclists.

Outdoor Playing Space should accord with DC11 (and subsequent policy from the new local plan), given the details provided so far, this is taken to be, as a minimum, a LEAP of between 3,500m² and 4,000m² based on the development being between 2 and 3 bedrooms.

That the Outdoor Playing Space will be unencumbered i.e. there are no underground attenuation tanks, pipes or crates.

That The Outdoor Playing Space will meet Fields in Trust (NPFA) standards i.e. for a LEAP there should be a minimum 20m separation between the activity zone and any dwelling.

That any above ground attenuation features will not be counted towards the Outdoor Playing Space.

Concerned regarding the lack of indicative layout in this application given that the previous application included an indicative layout. Without having the benefit of an indicative layout, the Council have stated a preference for a circular estate road rather than a single spine road.

ENVIRONMENT AGENCY

No objection to the application. The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site.

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels

ANGLIAN WATER SERVICE

Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solutions

We will request a condition requiring compliance with the agreed drainage strategy. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable.

We request that the agreed strategy is reflected in the planning approval and raise no objections subject to conditions

HIGHWAYS ENGLAND

Offer no objection; Highways Act Section 175B is not relevant to this application.

NATURAL ENGLAND

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

the proposal is not necessary for the management of the European site

It is our view that if a robust SUDS strategy is secured by planning condition and agreed by relevant authorities, the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

As stated by the Environment Agency in their response to this application, the application site is within a primary aquifer and the hydrology of the area is sensitive. The Norfolk Valley Fens component SSSIs which surround Dereham comprise a series of valley head spring fed fens which have a rich flora associated with them. This network of wetland sites are highly sensitive to changes in water levels in the local environment. Therefore whilst we welcome the use of SUDS, these need to be carefully designed and managed to ensure that the hydrology of the area is not significantly changed. We therefore recommend that a SUDS strategy document is secured by planning condition. Providing this is agreed by your authority and Natural England and follows Environment Agency guidelines (as detailed in their letter), we have no concerns regarding the effect of this proposal on the European and nationally designated sites in the vicinity of the proposal and do not consider that an Appropriate Assessment will be necessary.

NORFOLK COUNTY COUNCIL HIGHWAYS

The application is a repeat application of 3PL/2015/0846/O which was refused by the district and dismissed at appeal. The Highway Authority had no objection to this application and highway issues were discussed at the appeal. The Inspector noted that the increase in traffic associated with the development using nearby junctions would not be significant and was therefore unlikely to be harmful to highway safety. The Inspector also noted that he was not persuaded that traffic from the proposed development would make a significant difference to existing conditions, or that it would lead to residents experience congestion for longer periods. The Inspector also concluded that there was no conflict with NPPF which seeks to secure safe and secure access for all people and advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

However the Highway Authority does consider that some of the requirements of the original application should be altered. The 20mph zone which was originally agreed, is considered difficult to enforce particularly given that Westfield Road is straight so it is recommended that a part time 20mph zone be introduced for the area around the school with appropriate flashing signs and a crossing facility. This is conditioned below. Waiting restrictions are also proposed within the vicinity of the junction of the site access and these are also conditioned below. In light of the above the Highway Authority recommends No Objection subject to conditions.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

No objections subject to contributions for infant and junior schools; library provision and improvements to the Green Infrastructure Network, namely Footpath 11.

FLOOD & WATER MANAGEMENT TEAM

No response received.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The application is basically a resubmission of an earlier application on the site that was refused (3PL/2015/0846/O). That case went to appeal. Various ecological issues were raised with that application as it progressed but all were seemingly resolved and ecological issues appear not to have been considered during the appeal. As such we are not minded to raise any specific issues. Nevertheless, the ecological data presented in the ecological report Land East Of Westfield Road, Dereham; Protected Species Survey Report;

(Denny Ecology; dated March 2014 but apparently updated on 17.03.15) submitted as part of this application (along with other reports associated with the previous application), is some years out of date, as it was collected in 2014. If you are minded to approve the application, we would also recommend the use of a condition requiring a Biodiversity Management Plan, to be agreed in writing prior to works commencing. This should conform to the British Standard BS42020:2013 Biodiversity Code of practice for planning and development, and fully take into account the submitted ecological reports (Denny Ecology; 17.03.17), and should consider any updates to the ecological situation that are produced.

TREE AND COUNTRYSIDE CONSULTANT

Trees are located along the eastern boundary with 2 category A Oak trees which should be retained and incorporated into any layout, with sufficient space to allow long term retention. An updated tree survey (the current one is almost 3.5 years old) as well as an implication assessment and tree protection plan will be required based on layout.

HOUSING ENABLING OFFICER

In this instance 40 units would be required, 26 for rent and 14 for intermediate housing. The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, ie 2bed, 3 bed etc, I would recommend that, in order to best meet an identified housing need, a mix of mainly smaller units, i.e. 1bed 2 person and 2bed 4 person units, are provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the reserved matters. The affordable housing should be integrated into residential layouts to provide a distribution of affordable housing within the development site that will enhance community cohesion. The links below contain details of the standards, including the space standard, required by the Homes and Communities Agency for the current affordable homes programme 2015-18. All affordable units should meet these standards. The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution. I would recommend that the applicant contact me at their earliest opportunity to discuss the affordable housing in more detail prior to submission of reserved matters.

ECONOMIC DEVELOPMENT

It remains the opinion of the Economic Development Service that this should be retained as allocated employment land D4. Economic Development would suggest that it might be market tested accordingly via agents to ascertain interest prior to any residential development planning permissions being considered.

CONTAMINATED LAND OFFICER

The developer should ensure that a competent person carries out a revised site walkover prior to undertaking the site investigation to determine if site conditions/risks have changed. The competent person should also advise whether the 2014 report is suitable and sufficient for the purposes of the new application. No objections subject to conditions in relation to site investigation/remediation and verification.

AIR QUALITY OFFICER

An Air Quality Assessment will be required to assess the impact of the development on the town centre. Breckland Council continues to monitor the traffic emissions in the town to assess the effect of current and future development in the area

HISTORIC ENVIRONMENT SERVICE

An archaeological desk-based assessment has been produced for the produced development site in relation to a previous planning application and addendum appended to this by the applicant's agent. Since our last response on the previous planning application at this site, archaeological fieldwork (geophysical survey and a low-density of trial trenching) has been carried out on another site to the south of Westfield Road. The results

of that work support the suggestion that the overall archaeological potential of the area surrounding the current application site is generally low. However, the absence of significant archaeological remains on one site does not absolutely indicate that heritage assets will also be absent from another area of land lying between 150 and 350m away. Consequently, there is some potential that previously unrecorded heritage assets with archaeological interest, particularly of prehistoric date, may be present at the proposed development site and that if present their significance would be affected by the proposed development. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 141.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER	No Comments Received
ENVIRONMENTAL PLANNING	No Comments Received
NHS ENGLAND MIDLANDS & EAST (EAST)	No Comments Received
HISTORIC ENVIRONMENT SERVICE	No Comments Received
COMMUNITY DEVELOPMENT OFFICER	No Comments Received
NHS ENGLAND MIDLANDS AND EAST (EAST)	No Comments Received

REPRESENTATIONS

A number of objection letters from 10 residents have been received raising the following issues -

- flooding
- public access
- foul sewerage
- traffic congestion issues
- health services
- school capacity issues
- noise, disruption and chaos
- loss of privacy
- need for employment land
- need for 20mph zone

ASSESSMENT NOTES

1.0 This application is referred to Committee as a major development proposal.

2.0 Principle of development

2.1 The application site is located within the main built up area of Dereham and falls within the defined Settlement Boundary for the town. This revised scheme follows the recent scheme dismissed at appeal for an almost identical scheme.

2.2 The application site is allocated for employment development (Use Classes B1, B2 and B8) in the Site Specific Policies and Proposals DPD (Policy DC04). The proposed development of the site for housing would conflict directly with this allocation. It would also be contrary to Core Strategy Policy DC06, which seeks generally to protect identified general employment areas for business use. However, the Council's emerging Local Plan does not now include the site within its allocations for employment purposes going

forward.

2.3 The NPPF makes clear that development should be determined in accordance with the Development Plan unless material considerations indicate otherwise (Paragraph 11). In this case, the recent appeal decision represents a significant material consideration and the conclusions of the Inspector need to be carefully considered in the determination of this re-submitted application.

2.4 The Inspector considered in detail issues and evidence relating to the site's allocation for employment purposes. The Inspector concluded that on the basis of the long term vacancy of the site and the lack of evidence to support the assertions that it could come forward for employment purposes, there was no reasonable prospect of the land being used for an allocated employment use. On this basis, alternative uses should be considered on their own merits.

2.5 The Inspector accepted that the proposal would make a significant contribution to the supply of housing in the area, including affordable housing. The construction of the development would have some short-term economic benefits and future residents would provide economic support for existing shops and facilities and contribute to the vitality of the local community. Public open space would be provided on site in line with Policy DC11 and financial contributions would be made to local schools, libraries and medical services.

2.6 The scheme remains in outline form but there is no evidence to suggest that there are any technical constraints which would prevent the development coming forward in the short term. In order to encourage the early delivery of the proposed housing, a two year time limit for the submission of reserved matters is recommended, with a further year to start work.

2.7 In considering the recent appeal, the Inspector concluded that there were no objections in principle to the residential development of the site. In considering the current application there have been no material change in circumstances since that time to support an alternative conclusion being reached.

4.0. Affordable Housing

4.1 The application indicates that 40% of the proposed housing would be provided as affordable units. This complies with the contributions sought by Core Strategy Policy DC04.

4.2 In determining the recent appeal, the scheme proposed only 30% affordable housing on site provision. Whilst the Inspector did not dispute that the viability information supported a reduced contribution, he dismissed the appeal on the basis of the Unilateral Undertaking submitted by appellant. The Inspector considered that the restrictions applied in relation to the provision of affordable housing on the site were unduly restrictive and could ultimately jeopardise delivery of adequate levels of affordable housing as part of the development of the site.

4.3 The current scheme proposes a policy compliant level of affordable housing and the agent has confirmed that the requirements of the Strategic Housing Service will be met in terms of mix and delivery requirements.

5.0 Traffic

5.1 Concerns have been raised by the Town Council and local residents about the impact of traffic generated by the proposal on the surrounding road network, particularly along Westfield Road in the vicinity

of the school and at its junction with Shipdham Road (A1075). These issues were considered by the Inspector, again there has not been a material change in circumstances since that time. There are no principle changes to the scheme in terms of the nature or extent of the proposal, which is reflected in the Highway Authority response.

5.2 On this basis, it is concluded that safe access could be provided to the development and that no significant adverse effects on local road conditions would result from increased traffic.

6.0 Character and Amenity

6.1 The overall density proposed of the revised scheme would remain at 27 DPH which is not high, and well within the range referred to in Policy DC02 of the Core Strategy. Further it would reflect the existing pattern of development in the locality. As well as meeting recreational needs, the provision of appropriate public open space could provide a visual focal point and visual interest. Existing trees and hedging to the site boundaries would be retained. The proposal would therefore accord with Core Strategy Policy DC16 and the guidance set out in paragraph 58 of the NPPF.

6.2 In common with the appeal proposal, the scheme would alter the open outlook from neighbouring properties to the west and south. However, there is nothing to suggest that the development, if appropriately designed and laid out with normal separation distances, would have an overbearing effect on adjacent dwellings or cause undue overlooking or overshadowing. Additional traffic movements would result in some disturbance to existing residents, particularly in the immediate vicinity of the new access road. However, given the likely volume and speed of such traffic, and the potential for additional screening and landscaping, it is not considered that such disturbance would cause significant harm nor exceed that which might reasonably be expected within a built up area. A green buffer is proposed to the eastern site boundary, and further detailed noise protection measures could be required by condition. Consequently, the proposal would accord with Core Strategy Policy DC01 or with the guidance set out in paragraph 17 of the NPPF.

7.0 Other matters

7.1 No objection have been raised in terms of drainage subject to appropriate conditions for foul and surface water drainage. Foul drainage would be via the main sewer. Anglian Water has raised no objection, subject to a condition requiring necessary upgrading works to the local sewerage system.

7.2 Archaeology - In response to concerns raised by the Historic Environment Service, further commentary has been submitted by the applicant which contends that field evaluation is not necessary at this stage given the lack of evidence of features of archaeological interest in the area.

7.3 Footpath improvements - It is not considered that the contribution requested by the County Council towards the surfacing of public footpath FP11 would meet the relevant tests as this work is not necessary to make the development acceptable.

8.0 Conclusion

8.1 It is considered that there are no objections in principle to the development of this site residential purposes. A view that the Inspector concurred with in the recent appeal. Such development would be well located in relation to local services and facilities and would be compatible with the established character of the area. The development could be accessed satisfactorily and no significant adverse effects on local

amenity or character are anticipated. The proposal would also contribute to necessary improvement to local infrastructure.

8.2 Whilst the development would result in the loss of allocated employment land, it is considered that the prospects of employment development are poor. The proposal would make an important contribution to the supply of housing in the area, including affordable housing; a consideration which must be given weight given the current shortfall in housing land in the District and the drive in government policy to significantly boost the supply of housing generally.

8.3 In the planning balance, it is considered that any harm caused, including due to the loss of allocated employment land, would not significantly outweigh the benefits of the proposal as set out above. As there is no reasonable prospect of the site being developed for employment, it is considered that a departure from relevant development plan policies would be justified.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3005	Outline Time Limit (3 years)	
3058	Standard Outline Condition	
3054	Design framework	
3935	Ecological mitigation measures	
3870	Non-standard drainage condition	
3860	Surface water drainage	
3860	Foul drainage	
HA03A	Road Surfacing	
UR09	Construction management plan	
HA39B	Highway improvements off-site B	
3412	Trees/hedges to be retained	
3414	Fencing protection for existing trees	
3992	Non-standard note re: S106	
CL03	Unexpected Contamination	
3996	Note - Discharge of Conditions	
4000	Variation of approved plans	
AN60	NOTE NCC Inf 1 When off-site road improvements are required	
AN99	Criterion E - Planning Apps Where Approved	
ER18	Construction Method Statement	This condition will require to be discharged
AR01	Archaeological work to be agreed	This condition will require to be discharged
CL01	Site Investigation/ remediation	This condition will require to be discharged
HA01	Standard estate road conditions	This condition will require to be discharged

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HA02	Standard estate road condition	This condition will require to be discharged
HA29A	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
HA29B	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
HA39A	Highway improvements-offsite A	This condition will require to be discharged

ITEM: 17	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0593/F	CASE OFFICER Lisa ODonovan
LOCATION: BESTHORPE Land to Rear of Village Farm Silver Street	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: D J Thompson & Sons Folly Farm Upgate Street	
AGENT: Mr John Spencer Magnum House Deopham Green	
PROPOSAL: Demolition of three dilapidated farm buildings and erection of 2 pairs of semi detached dwellings	

REASON FOR COMMITTEE CONSIDERATION

The application is brought to committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle of development
Impact on the Character and Appearance of the Area
Amenity Impact
Highways Impact
Impact on Trees and Hedges
Impact of ecology/natural environment

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of three farm buildings and the erection of two pairs of semi-detached, two storey dwellings. Each property will have three bedrooms. Car parking is proposed to the side of the dwellings.

The proposal will utilise an existing access off Silver Street.

SITE AND LOCATION

The site lies outside but adjacent to the Settlement Boundary and forms part of the wider Village Farm site. The site is bounded to the north and north-east by agricultural land and to the south and west by residential dwellings. The plot is situated behind the main Villgae Farm dwelling and is currently occupied by three, unused farm buildings which are all in need of repair.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1107/F - Erection of two pairs of semi detached dwellings - Refused

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BESTHORPE P C

No objections

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to condition.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to condition.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

I have looked at the application submitted and, based on the information provided to me at this time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. NB: All construction and demolition works to be carried out in

accordance with the guidance provided in Breckland Council Information leaflet, 'Construction and demolition works - Guidance for contractors and developers' .

CONTAMINATED LAND OFFICER

No objection subject to conditions.

REPRESENTATIONS

Site notice erected: 25-05-2017

Consultation letters issued: 23-05-2017 and 24-05-2017

Three letters of representations received raising concerns in respect of: Impact on the character and appearance of the area; wildlife; out of date location plan; overlooking and sewerage.

ASSESSMENT NOTES

During the course of the application amended plans were received in relation to parking and turning, tree protection plan to reflect the revised design and an updated block plan indicating the neighbours opposite. Relevant re-consultations were carried out accordingly.

Principle of development

1.0 Principle of development

This application seeks planning permission for the erection of two pairs of semi-detached properties, (i.e. four, three-bedroom, two-storey dwellings), on land outside, but adjacent to the Attleborough/Besthorpe Settlement Bounday. Whilst the site address is Besthorpe, the site itself relates closely to the Attleborough Settlement. Attleborough town centre is approximately 1 mile away. For this reason, the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. The application site is however located adjacent to the Attleborough Settlement Boundary which is identified by Policy SS1 as a growth area.

1.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

1.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic

environment.

1.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

1.5 In terms of the economic and social criteria, the land is in the applicant's ownership and is therefore available and would cause some economic benefit by way of providing jobs in relation to the construction, the land is closely related to the existing Attleborough Settlement Boundary and is surrounded to south, east and south-west by other residential properties.

1.6 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. The centre of Attleborough is approximately 1 mile to the west of the site. Attleborough is defined by Policy SS1 as a Market Town identified for Substantial Growth for employment and residential development, and is identified as a high level settlement for services and facilities.

1.7 There are no bus stops in close proximity to the proposed site but the nearest is located approximately 0.4 miles away. The site lies approximately 160m to the footpath at Besthorpe Road and it is an approximate 0.9 mile walk to centre of Attleborough. Whilst this distance would not enable easy pedestrian access to necessary daily facilities, on balance the site is considered sustainable due to its proximity to the higher order settlement and although reliance on the car would probably be required, the access to public transport is available a short walk away which links the site to Wymondham and Norwich.

1.8 Environmentally - The site is situated in close proximity to the existing Attleborough Settlement Boundary, the site is in a semi-rural location within a group of existing development. There are other residential uses immediately to the west and south of the site. The site is not considered an important gap within the street scene given its position behind an existing dwelling and the presence of old, farm buildings on the site currently. The proposal would not extend the existing development into an undeveloped area. Whilst this will result in some loss of character, the harm would be limited given the following factors:

- the presence of existing, dilapidated farm buildings on site
- the visual containment of the site by existing development;
- generous proportions of the plot will maintain a spacious character;
- the proposal would not intrude into the open countryside and would not be viewed as isolated; and,
- the proposal would not cause material harm to the character and appearance of the area.

1.9 The combination of all of these environmental factors together and not in isolation result in the proposal satisfying the environmental role of sustainable development.

1.10 It is concluded that the proposal would not result in an isolated development in the countryside. The scheme would provide four additional dwellings, generate some economic activity and be developed without causing significant harm to the character and appearance of the area.

2.0 Impact on the character and appearance of the area

2.1 The proposal seeks to provide two pairs of semi-detached, two-storey dwellings. The dwellings proposed are uniform and present a very traditional form and character by nature of the simple pitched roofs with central chimney feature and use of a red brick plinth, white colour washed render and clay pantiles, all of which feature heavily in other surrounding development. The dwellings have been positioned well within the plot and will provide four, generous plot sizes. As a result of the above factors, the proposal is considered to

have due regard to Policy DC16.

3.0 Impact on residential amenity

3.1 The orientation of the dwellings and the site are such that any shadow cast will be over the application site itself and the front, less sensitive amenity areas of the proposed dwellings, in addition, the room arrangements and window placements have been sensitively considered so as to keep the majority of first floor, habitable room windows to the rear, with those to the front being kept to one bedroom and a bathroom. This, and the separation distance between the front elevations and the dwellings opposite, ranging from 16m at the shortest distance to 24m at the furthest, will ensure that the impact on the level of amenity currently enjoyed by the neighbouring dwellings is not adversely affected to a material degree, particularly in terms of loss of light, overshadowing and over dominance.

3.2 The comments raised by the neighbouring occupiers have been assessed and considered. An amended plan to indicate the new dwellings opposite the site was subsequently requested and the neighbours were consulted on this. In terms of the overlooking issue raised, as stated above, I consider the separation distances involved sufficient to ensure that this will not occur to a material degree. With reference to the foul sewer issue raised, this is something that will be properly assessed and investigated at Building Regulation stage however our Environmental Health Team did not raise objection to comment in this regard. The comments made with regard to ecology/wildlife were properly assessed and our ecology team was consulted.

4.0 Highways Impact

4.1 The application proposes the use of an existing private, metalled roadway by means of access. Norfolk County Council Highways commented asking for the provision of a 5.8 x 8 metres turning area. An amended plan was provided indicating the turning area and no objection was subsequently raised as a result of this, subject to a condition requiring the proposed parking and turning area to be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan received on 05 June 2017. This will be conditioned as part of any forthcoming approval. The proposal is therefore considered acceptable in highway safety terms.

5.0 Impact on trees

5.1 The application has been accompanied by an Arboricultural Implications Assessment and Tree Protection Plan. The plan indicates the development to be outside of the majority of the root protection areas of the trees to the northern boundary. The plan also shows these trees to be protected by protective fencing during development. As a result, the proposal is considered to have due regard to Policy DC12. The Tree and Countryside Officer has raised no objection subject to these details being secured by condition, this will be attached to any forthcoming approval.

6.0 Natural Environment/Ecology

6.1 The application was accompanied by an Extended Phase I Habitat Survey and this was sent to our ecology team for comment. This report makes clear that ecological impacts are relatively low. The main issues raised were:

- the presence of a veteran Oak tree on the site boundary;
- a small number of bat roosts within the buildings, and;
- the potential for breeding birds.

6.2 In terms of the Oak tree, this has been adequately covered for protection during construction via the

submitted Arboricultural Implications Assessment and the Tree Protection Plan.

6.3 With regard to the bat roosts, the ecological consultant advises that works will require an EPS Licence to proceed lawfully. Any mitigation as a result of this licence will be required by Natural England as part of this process. It is considered that this can be dealt with adequately via condition if the development is approved.

6.4 Again, in terms of nesting birds, this can also be appropriately dealt with via a condition should approval be forthcoming.

6.5 In light of the above, the application is considered to have due regard to Policy CP10.

7.0 Conclusion

7.1 In conclusion, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity and would not adversely impact the character and appearance of the surrounding area. The application is therefore recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (2 years)	
3047A	In accordance with submitted plans NEW 2017	
HA24	Provision of parking and servicing - when shown on plan	
PD04	No PD for fences, walls etc	
3920	Licence	
3920	Birds	
3923	Contaminated Land - Informative (Extensions)	
9850	Non-std NOTE	
4000	Variation of approved plans	
3996	Note - Discharge of Conditions	
2001	Application Approved Following Revisions	
2014	Criterion E - Planning Apps Where Approved	
MT03	External wall and roof materials to be agreed	This condition will require to be discharged
LS10	Implementation of submitted boundary treatment	This condition will require to be discharged
DE08	Slab level to be arranged	This condition will require to be discharged
LS11	Tree Protection ground mats	This condition will require to be discharged
3944	Contaminated Land - Desk Study/Site Investigation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ER04

Asbestos

This condition will require to be discharged

ITEM: 18	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0597/F	CASE OFFICER Natalie Levett
LOCATION: ASHILL Land off Watton Road	APPNTYPE: Full POLICY: Out Settlement Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr & Mrs J Spalding Lower Homestead Farm Watton Road	
AGENT: Jonathan Burton Architectural Design 12 Park Road Dereham	
PROPOSAL: Detached single-storey dwelling and detached garage	

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Committee for determination because the site is outside of the Settlement Boundary and recommended for approval.

KEY ISSUES

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Amenity Impact
- Highways Impact

DESCRIPTION OF DEVELOPMENT

The proposal seeks to construct a detached single-storey, three-bed dwelling and a detached garage on land off Watton Road, Ashill outside of any Settlement Boundary.

SITE AND LOCATION

The site is currently used as a storage area for Anglian Water, although the applicant has signed Certificate A confirming that the applicant owns the land.

To the north of the site is a small strip of land beyond which lies residential properties. To the east and south is agricultural land and to the west is the main road, beyond this is agricultural land.

The site is outside, but adjacent to the Settlement Boundary in Ashill. The site is not on any designated land as defined on the Proposals Map.

EIA REQUIRED

Not required.

RELEVANT SITE HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable.

CONSULTATIONS

ASHILL P C

No objections.

ENVIRONMENTAL HEALTH OFFICERS

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

CONTAMINATED LAND OFFICER

Based on the information provided, no objections, subject to conditions, providing the development proceeds in line with the application details.

REPRESENTATIONS

The Site Notice was displayed on 15th May 2017 and five neighbours were consulted. The 21-day consultation period has expired. Three representations were received; two in support and one objection. The matters raised include the following:

Support:

- The site is adjacent to the current development envelope and as such will only extend it one plots width.
- It is next to an area recently developed so therefore will have little or no impact on the surrounding properties, far less in fact than the 7 bungalows being built at the Northern end of the village.
- The Highways have granted all the new properties in the vicinity access to the Watton Road and with the site currently in use as a store for the Anglian water equipment they obviously are happy with the access.
- I understand that personal factors are not a planning issue, however Mr. and Mrs. Spalding have been active villagers for the past 50 years. John has played football and bowls, been a councillor for over 20 years and has been the "go to " farmer when ever his skills were required. He cut the paths on the common, cleared up the litter after our yearly litterpick and has always volunteered his services when possible. Mrs Spalding is an active member of the W.I. she used to appear in our yearly pantomimes and can always be seen out and about in the village at coffee, mornings etc. Mr Spalding's health issues and concerns about security have led them to want to live closer to neighbours and within easy walking distance of the village services, this site would provide the ideal place for them to retire to and would keep a valuable pair of villagers in Ashill.
- the small parcel of land is no longer viable for agricultural use due to modern day farm machinery and why that corner had been left;
- the land used by Anglian Water is their base in connection with the water works in Ashill and will return to agriculture when the work is finished;
- I am in favour of the building line being extended along Watton Road and this will tidy up an unsightly area.

Object:

- why has this agricultural piece of land been chosen when the applicants have land and barns surrounding their present farm house, which would enable them to achieve a purpose built property to meet the applicant's needs?
- Is their intention to develop in the future the adjoining land, especially as others adjacent are considering submitting such applications?
- Setting a precedent;
- the land adjacent was submitted to be developed upon brownfield land and refused at appeal, why should this be allowed?
- request that the application is reported to committee with a possible site visit;
- the site was put forward for inclusion for development but was rejected given that there was enough other land available to meet Breckland's housing requirements;
- if approved will agricultural conditions be imposed on the property?
- there is no proposal for provision of an extension of the tarmac footpath that came as a condition on another application - this would seem appropriate given the applicant's health problems and for people walking out of the village;

- how will Breckland Council protect the rest of the farm land along Watton Road and gardens and paddocks on Fir Park from being developed if this application is approved?

ASSESSMENT NOTES

1.0 Reason for Committee

1.1 The application is referred to Committee for determination because the site is outside of the Settlement Boundary and recommended for approval.

2.0 Principle of Development

2.1 Policy DC2 encourages new development within Settlement Boundaries.

2.2 Policy CP14 relates to sustainable rural communities and states that village and countryside communities will be supported by appropriate development in order to make them more sustainable. It further states that the Local Service Centre Villages will be the focus for service provision and in the smaller villages and rural communities, the type and scale of development will reflect the need to maintain the vitality of these communities. New residential developments in these areas will be permitted subject to meeting certain criteria.

2.3 This application seeks full planning permission for the erection of a single-storey, three-bed dwelling on land outside of any Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

2.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where there is a Development Plan, decisions on planning applications should be made in accordance with it, unless material considerations indicate otherwise.

2.5 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.6 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and

- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.7 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.8 One of the core planning principles within the NPPF is to encourage the development of previously developed land which is not of high environmental value. The NPPF's definition of previously developed land is:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".

2.9 The application form states that the site is currently in use as a storage area for Anglian Water but there is no planning history to allow for this. Anglian Water benefits from Permitted Development Rights for some of the work that they operate but the storage site is not one of them. Further details have not been provided. The established use would, therefore, be agriculture. As a result, the site cannot be classed as previously development land.

2.10 The application is for one single-storey, three-bed market dwelling, the site is Greenfield land and nothing has been put forward to justify the proposal/design on an exceptional basis. As a result, the proposal does not comply with policy.

2.11 However, other material considerations, need to be considered, these include the design, impact on amenity and the surrounding area, and highways, as will be outlined below.

3.0 Sustainable Development

3.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, (DPD), together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

3.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded significant weight in accordance with paragraph 215.

3.3 The site is located outside the Ashill Settlement Boundary in an area of open countryside to the south of the village, (as defined by policies SS1, DC2, CP1 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009)), where development is heavily restricted. As such the proposed residential development would be contrary to the development plan, despite being located adjacent to the Settlement Boundary.

3.4 Planning law requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. It is necessary to consider, therefore, whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

3.5 Paragraph 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations. The provision of housing to meet local needs is identified as a key component of sustainable development and, in this respect, the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

3.6 The site is located adjacent to the defined settlement boundary of Ashill, a village currently identified in the Council's Spatial Strategy as a rural settlement; such settlements have few, or, in some cases, no, local services. The Development Plan states that these settlements are not capable of sustaining consequential growth as many are completely reliant on higher order settlements for services and facilities. The countryside includes agricultural land, which, it is considered, would represent an unsustainable location for development.

3.7 Ashill has a primary school, a couple of shops, a pub and a community centre. The Konnectbus 1 has an hourly service to Watton and Swaffham. There are also 22 known businesses in Ashill. Whilst currently defined as a rural settlement, with these services, it is more akin to a local service centre.

3.8 Paragraph 55 of the NPPF allows for exceptional developments, but the proposal is not of an exceptional design and no other case has been put forward for grant of planning permission on an exceptional basis other than bolding an extract in the Design and Access Statement stating:

"The proposed property is a retirement bungalow for Mr & Mrs John Spalding who have lived and farmed within the village over the last 53 years. Mr Spalding has recently been diagnosed with Parkinsons' Disease and this property will be seen as a purpose built property to afford Mr Spalding a more comfortable way of life. Mr and Mrs Spalding have been active in village life, worked and raised their family in the village and wish to continue to do so as long as possible".

3.9 Whilst the situation is appreciated, this is not a Planning justification for the proposal because it has not

been demonstrated why other properties are not suitable and why the proposed location and design should be granted permission on an "exceptional" basis thus this alone does not outweigh the harm caused to the Development Plan.

3.10 The construction of the development would have some short-term economic benefits and would be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth.

3.11 In terms of availability and delivery, paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. The application submission identifies that the construction could commence within 6-12 months of the date permission is granted. To ensure the deliverability of the development a planning condition could be imposed to require a reduced permission time period, although arguable this could be seen as unreasonable at present.

3.12 The economic and social benefits of the development can be summarised as follows:

- The provision of one new dwelling that would provide additional housing and support businesses and facilities by increased expenditure within the local economy from the new dwelling;
- Initial job creation during construction phase and additional employment opportunities generated by subsequent supply chain.

3.13 In terms of other environmental considerations, whilst the area of land currently used as storage for Anglian Water and a dwelling would improve the visual amenities, given that the area does not seem to have permission, this cannot be considered and would need to be assessed against the impact on the agricultural land and surroundings. The proposal is on land that clearly forms part of a wider agricultural area and there is a distinct boundary between the Settlement Boundary and the agricultural land. There will be a significant change to the character and appearance of the site and would result in intrusion into the surrounding countryside.

4.0 Design and Impact on the Character and Appearance of the Area.

4.1 Policy DC16 requires high standards of design in new developments and sets out criteria to be met.

4.2 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character.

4.3 Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits, embracing opportunities to enhance the character and appearance of an area. These aims are reiterated in paragraph 17 of the NPPF.

4.4 The NPPF highlights, in paragraph 56, that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people".

4.5 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

4.6 Development within the District should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy.

4.7 The design of the bungalow is acceptable per se.

5.0 Amenity Impact

5.1 Policy DC1 seeks to protect the residential amenity of the site.

5.2 It is considered that the proposal would not create any adverse impacts to the adjacent property other than during the construction period. It is unlikely that any adverse impacts would occur for the new occupants other than those disturbances that would be created by the existing uses of the surrounding area.

5.3 As a result, the proposal complies with Policy DC1.

6.0 Highways Impact

6.1 Policy DC19 sets out the requirements for car parking.

6.2 The NPPF requires new developments to provide safe and suitable access to the site for all people. Policy CP04 of the Core Strategy and paragraphs 32 and 35 of the NPPF seek to ensure that all access and safety concerns are resolved in new developments. Paragraph 34 of the NPPF seeks to ensure that the need to travel will be minimised and the use of sustainable transport modes will be maximised.

6.3 The Highway Authority advised that the site lies adjacent to the start/termination of the 30mph/40mph speed limit. It is fair to assume that that traffic will not be contained to within 30mph but should not be travelling at 40mph. It is, therefore, appropriate to use the safety guidance contained in Manual for Streets rather than the more onerous standards in the Design Manual for Roads and Bridges. On that basis, visibility of 59m will be required to either side of the access from a 2.4m set-back. The applicant will need to arrange for the highway boundary to be verified and demonstrate that this is achievable. Furthermore, the existing footway will be required to be extended to the site access. The applicant's agent submitted a revised plan

and the Highway Authority raised no objection, subject to conditions.

6.4 Given the location and the facilities available in Ashill, it is considered that the proposal complies with Policies CP04 and DC19 and the NPPF.

7.0 Other Matters

7.1 Policy CP9 seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution.

7.2 The Contaminated Land Officer advised that based upon the information provided, there are no objections, providing the development proceeds in line with the application details and the recommended conditions relating to unexpected contamination and extensions.

8.0 Conclusion

8.1 Planning law requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, whilst being located outside of any Settlement Boundary and that it would conflict with policies CP14 and DC02 of the Core Strategy, it must now be acknowledged that these policies are deemed outdated and the scheme is in accordance with Paragraph 47 of the NPPF.

8.2 The proposal is an extremely finely balanced case for the reasons outlined above. However, given that the site is adjacent to the Settlement Boundary in a village that has quite a range of services, it is considered that this proposal is acceptable and is recommended for conditional approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)
3047A	In accordance with submitted plans NEW 2017
HA08	New access - construction over verge
HA24	Provision of parking and servicing - when shown on plan
HA39B	Highway improvements off-site B
3923	Contaminated Land - Informative (Extensions)
AN60	NOTE NCC Inf 1 When off-site road improvements are required
3996	Note - Discharge of Conditions
4000	Variation of approved plans
2014	Criterion E - Planning Apps Where Approved

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HA39A	Highway improvements-offsite A	This condition will require to be discharged
HA13	Access gates - configuration	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
ER01	Full details of external lighting	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 19	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0598/CU	CASE OFFICER: Debi Sherman
LOCATION: SWAFFHAM Units 43-49 Turbine Way	APPNTYPE: Change of Use POLICY: In Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Breckland Council Elizabeth House Commercial Property	
AGENT: Breckland Council Elizabeth House Commercial Property	
PROPOSAL: Change of use from B1C to B1C, B2 and B8 to allow more flexibility in letting	

REASON FOR COMMITTEE CONSIDERATION

The applicant is Breckland District Council

KEY ISSUES

Principle of Development
Impact on Amenity
Highways & Parking

DESCRIPTION OF DEVELOPMENT

The application proposes the change of use from B1c to B1c, B2 and B8 uses of the existing 4no.units within the Ecotech Business Park. The units are in existence but not in use at present.

SITE AND LOCATION

The site fronts onto Turbine Way. Brock Road runs directly to the south of the site. The site is located within an established commercial Business Park and is surrounded by other commercial units with a Tesco Superstore located to the south east fronting onto Castleacre Road.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/0459/F - New business units, outdoor storage area, outdoor display area, pedestrian cross overs & parking, approved.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.03	Employment
CP.04	Infrastructure
DC.01	Protection of Amenity
DC.06	General Employment Areas
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

SWAFFHAM TOWN COUNCIL

NO OBJECTIONS

CONTAMINATED LAND OFFICER

Do not raise any contaminated land comments based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

ENVIRONMENTAL HEALTH OFFICERS

Recommend approval providing the development proceeds in line with the application details and subject to the following conditions to alleviate environmental concerns.

FACILITIES MANAGEMENT

The commercial units are owned by BDC and Facilities Management are aware of the application but have no further comments.

NORFOLK COUNTY COUNCIL HIGHWAYS

No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

BRECKLAND COUNCIL - PLANNING COMMITTEE - 31st July 2017

1.0 The application is presented to Committee on the basis that Breckland District Council are the applicants.

2.0 Principle of Development

2.1 There are no objections in principle to the proposed change of use. The site is within an established business park with a variety of different commercial uses. The proposed changes to incorporate B2 and B8 uses would not conflict with adopted policy DC06 of the adopted Core Strategy.

3.0 Amenity

3.1 The nature of the development is such that it does not have the potential to impact on nearby residents as the application site is not in close proximity to any residential areas. Environmental Health have not raised objections subject to conditions regarding working practice involving extraction/ventilation and use of power tools to prevent undue disturbance in the area.

4.0 Highway safety and parking

4.1 The proposal is considered to provide adequate parking for the wider scope of uses and would not lead to no detrimental harm in terms of highway safety.

5.0 Conclusion

5.1 It is considered the proposal would accord with Council policies and is acceptable in planning terms.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)
3522	No generators/air handling plant without consent
3506	No power tools outside building
2000	NOTE: Application Approved Without Amendment
2014	Criterion E - Planning Apps Where Approved

ITEM: 20	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0600/O	CASE OFFICER Debi Sherman
LOCATION: HOCKERING Residential Development Heath Road	APPNTYPE: Outline POLICY: Out Settlemt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Monk Plant Hire Ltd. Six Acres Stone Road	
AGENT: Small Fish 4 Brimbelow Road Hoveton	
PROPOSAL: Outline permission (with all matters reserved) for 4 four-bedroom houses and 4 three-bedroom bungalows with associated parking and gardens.	

REASON FOR COMMITTEE CONSIDERATION

The application is before the Committee for consideration as the proposal represents a departure from the adopted Development Plan.

KEY ISSUES

Principle of development
Design, scale and landscape impact
Highway safety
Impact upon residential amenity

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for the construction of a residential development scheme of 4no. four bedroom dwellings and 4no. three bedroom bungalows with associated parking and gardens with all matters reserved for future determination.

SITE AND LOCATION

The application site lies on the edge of the village of Hockering, outside the designated Settlement Boundary and comprises of agricultural land. The site lies to the north-west of Heath Road. Residential dwellings are located to the north and south of the site, with some development opposite the site.

To the north-west (rear) of the site is a playing field and associated single storey building. There is an existing 1 m high hedgerow forming the front boundary with Heath Road. At present the footpath linking the application site with existing development to the north of the site is of limited width and does not meet the normal required width of 1.8m.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL201409450 - Outline application for up to 18 dwellings, approved 24.07.15 (two year permission)

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

HOCKERING P C

The parish hopes that this further development on Heath Road will strengthen our need for an extension of the 30 mph speed limit along Heath Road.

NORFOLK COUNTY COUNCIL HIGHWAYS

The site forms part of a previous application 3PL/2014/0945 which already has approval. On that basis I would not wish to raise an objection in principle to the proposal subject to similar conditions being imposed. The site lies opposite an application, 3PL/2016/1262, for residential development which has yet to be determined. Care will need to be taken to ensure the access arrangements for this development do not conflict with access arrangements for any other development in the vicinity. Adequate turning facilities will be required for servicing vehicles to ensure they re-enter Heath Road in forward gear - the turning areas on the

indicative plan are substandard but can be amended. Given that the application is submitted in Outline with all matters reserved for future consideration, if your Authority is minded to grant approval, detailed drawings of the following will need to form part of the Reserved matters application:-
• Access, Parking, Turning,
• Visibility splays measuring 2.4m x 59m.
• The frontage footway being widened to 1.8m

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No ecological information has specifically been submitted to support this application. However an earlier application at the same location was supported by a Preliminary Ecological Appraisal (PEA at Land adj. to Heath Road, Hockering; The Ecology Consultancy, Dec 2014). The ecological survey found that there was likely to be a negligible impact on ecology from the earlier proposal. We have no reason to disagree with the findings of that study. However the data used to inform the earlier report dates back to Dec 2014. This is at the limit of what is considered acceptable in biodiversity terms. As such, if you are minded to approve the application, we would suggest that you condition an update of the PEA, confirming or otherwise that the ecological situation has not changed, prior to commencement.

CONTAMINATED LAND OFFICER

it is at the same location and for the same end use as application 3PL/2014/0945/O, albeit over a smaller footprint. A report has been submitted with this application. This report was also submitted in support of application 3PL/2014/0945/O. It was reviewed by Contaminated Land and the comments made at the time are still applicable.

ENVIRONMENTAL HEALTH OFFICERS

no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. NB the applicant / developer will need to ensure that they developer plans to allow for efficient foul and surface water drainage from the site to satisfy the requirements of the Building control / Approved inspector for the site under the Building Regulations.

REPRESENTATIONS

None

ASSESSMENT NOTES

2.0 Principle of development

2.1 The application seeks outline consent for the construction of 8 dwellings on land outside of the defined Hockering Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009) which seek to focus new housing within defined Settlement Boundaries.

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 With regard to whether this is a suitable location, Hockering is classified as a rural settlement through

Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and are not considered suitable for growth as they rely on higher order settlements for the majority of local services and facilities.

Notwithstanding this, the village does benefit from some facilities such as a primary school, village hall, garage/post office/store and playing fields, has good access to the A47 and is served by a limited bus service linking it to Norwich/Dereham. Paragraph 55 of the NPPF states housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements. It is therefore considered that due to the range of facilities available within the village, its close proximity to higher order settlements such as Mattishall and Dereham where a wider range of facilities and services including doctors can be accessed, the proposal would not result in an isolated development in the countryside, and would be consistent with the NPPF principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

2.4 The principle focus of the NPPF is to bring forward sustainable development (Paras 6-14). The Government defines sustainable development as having three roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- environmental, through the protection and enhancement of the natural, built and historic environment

2.5 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.6 In terms of the economic and social criteria, the proposal would provide 8 dwellings. This would make a positive contribution to the housing supply and provide some short term economic benefits through its construction.

2.7 Environmentally, although outside the Settlement Boundary, the site avoids encroachment into the countryside as it is surrounded on either side by existing development, bordered on the other by the Heath Road carriageway, and would be partly screened by the existing established boundary hedging.

2.8 The scheme would provide additional housing, generate some economic activity, provide affordable housing and planning contributions, and be developed without causing harm to the character and appearance of the area. It is considered therefore that, on balance, the adverse effects of the proposal would not significantly and demonstrably outweigh its benefits.

2.9 Footnote 11 of the NPPF confirms that the site should be in a suitable location, available now, and have a realistic prospect of being developed within five years.

2.10 If Members are minded to approve the application, it would be appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland outside defined settlement boundaries. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme.

3.0 Design, scale and landscape impact

3.1 The submitted indicative site layout plan is considered to demonstrate that the site is capable of providing 8 dwellings, without resulting in an overdevelopment of the site. It is considered that a scheme

with a satisfactory layout and appearance can be achieved whilst providing reasonable amenity and parking space. The density of dwellings, at 16 dph, would not be high and would accord in density terms with the previous permission for 18 dwellings on the larger site area. It should be noted that detailed design, scale and landscaping are reserved matters.

4.0 Highway matters

4.1 Access is also a reserved matter although the indicative site plan shows the formation of a new access.

4.2 The application has been assessed by the Highways Authority who has raised no objection to the scheme on highway safety grounds, subject to the imposition of suitable conditions including the provision of highway works. As such, it is considered that the scheme would safeguard highway safety and accord with Policy DC19 of the Breckland Core Strategy.

5.0 Impact upon residential amenity

5.1 Matters of design and layout will form part of any Reserved Matters application, subject to careful consideration being given to the need to adequately address and mitigate against any impacts on the residential amenities of the adjacent development, it is considered that the development can adequately safeguard residential amenity.

5.2 Furthermore, the plot sizes identified are considered to be of sufficient size to provide future occupants of the development with adequate levels of amenity.

5.3 Therefore, it is considered that the scheme accords with the requirements of Policy DC1 of the Breckland Core Strategy.

7.0 Other issues

7.1 No objection has been raised by the Council's Contaminated Land Officer subject to the imposition of conditions. As such, it is considered that the scheme would accord with Policy CP9 of the Breckland Core Strategy.

7.2 No objections are raised on ecology matters subject to a condition requiring an update of the Preliminary Ecological Appraisal to ensure that all potential impacts and identified and adequately mitigated.

8.0 Conclusion

8.1 In conclusion, it is considered that, on balance, the proposal would constitute a sustainable form of development as defined in paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity or highway safety and would not adversely impact upon the character and built form of the surrounding area. On this basis and given the implications of no longer having a 5 year Housing Land Supply this sustainable development is recommended for approval.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3005	Outline Time Limit (2 years)	
3058	Standard Outline Condition	
3920	Highway Condition 1	
3920	Highway Condition 2	
3920	Environment Agency drainage condition	
3920	Ecology and Biodiversity Condition	
3739	Highway NOTE Inf 1	
3923	Contaminated Land - Informative (Extensions)	
3992	Non-standard note re: S106	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
AR01	Archaeological work to be agreed	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
3949	Contaminated Land - Site Investigation/Remediation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 21	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0620/F	CASE OFFICER Lisa ODonovan
LOCATION: ATTLEBOROUGH Poppies Slough Lane	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr J Lawn Poppies Slough Lane	
AGENT: Mr John Spencer Magnum House Deopham Green	
PROPOSAL: Creation of independent dwelling by detaching annex from existing dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application is brought to committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle of development
Impact on the character and appearance of the area and amenity impact
Highways Impact

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the removal of a small element which links the current annexe accommodation to the main house and the creation of a separate, three bed dwelling.

An existing access off Leys Lane will be used for the new dwelling with the main dwelling house being served by an existing access off Slough Lane.

SITE AND LOCATION

The site is located to the south of the town centre at the corner of Leys Lane and Slough Lane. The site is outside the Settlement Boundary. It is semi rural, close to Attleborough, within a loose knit group of dwellings and commercial buildings. Residential properties lie to the east and north-west of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2008/01372/F - Erection of independent living annex - Permission

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ATTLEBOROUGH TC

No objections

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

REPRESENTATIONS

Site notice erected: 06-06-2017

Consultations issued: 01-06-2017

No representations received.

ASSESSMENT NOTES

The application was amended during the course of the application process in order to provide additional ground floor living accommodation for the future occupiers and also to illustrate adequate parking on site. Additional land was obtained to provide this, an amended red line plan was therefore submitted. Given the nature of these amendments and the minimal impact to any surrounding neighbours, the Highways Authority only was re-consulted on these changes.

Principle of development

1.1 The application seeks full planning permission for the creation of one, two storey dwelling on land outside of the Attleborough Settlement Boundary. For this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. The application site is however located adjacent to the Attleborough Settlement Boundary which is identified by Policy SS1 as a growth area.

1.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

1.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

1.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

1.5 In terms of the economic and social criteria, the land is in the applicant's ownership and is therefore available and would cause some economic benefit by way of providing jobs in relation to the work required to separate the property, the land is closely related to the existing Attleborough Settlement Boundary and is surrounded to east and west by other residential properties, and will therefore not appear as isolated development.

1.6 Attleborough benefits from frequent bus services linking the town to Wymondham and Norwich which would be likely to derive some support from the development also and will also enable the future occupiers to be less reliant on car use. The application is therefore considered in line with paragraph 55 of the NPPF.

1.7 Environmentally - The site is situated in close proximity to the existing Attleborough Settlement

Boundary, the building is existing and the site is in a semi-rural location within a loose knit group of existing development. There are other residential uses immediately to the east and north-west of the site. The building is existing and therefore the site is not considered an important gap within the street scene. The proposal would not extend the existing development into an undeveloped area and there will be no impact on the character and appearance of the area as the building is already in situ. Any harm caused by the development would be limited given the following factors:

- the visual containment of the site by the existing development;
- generous proportions of the plot will maintain a spacious character;
- the proposal would not intrude into the open countryside and would not be isolated; and,
- the proposal would not cause material harm to the character and appearance of the area given it already exists.

1.8 The combination of all of these environmental factors together and not in isolation result in the proposal satisfying the environmental role of sustainable development.

1.9 It is concluded that the proposal would not result in an isolated development in the countryside. The scheme would provide one additional dwellings, generate some economic activity and can be created without causing any harm to the character and appearance of the area.

2.0 Impact on the character and appearance of the area and amenity impact

2.1 The application proposes to separate a small link between the host dwelling and the existing annexe to the western side, as a result the impact on the character and appearance of the area will be minimal given its presence on site already.

2.2 In terms of amenity impact, again, the building is already in situ and the only nearby dwelling is Poppies itself, with Catkin Cottage being positioned to the east of the main/host Poppies dwelling itself and therefore will not be impacted by the proposal. In terms of the impact to the occupiers of Poppies the dwelling has no windows to the eastern side and the orientation of the plot is such that any shadow cast is over the application site itself, in addition, sufficient private amenity space has been included for the future occupiers of the dwelling, the application is therefore considered to accord with Policy DC1. Permitted development rights have been removed in order that the Local Planning Authority may retain control over the future development of the site and any likely impact on neighbouring occupiers given the site's proximity to Poppies.

3.0 Highways Impact

3.1 The access onto Leys Lane was shown for use when the application was originally granted for the annexe extension. As a result, there are no objections raised to the continued use of this access to serve the new dwelling. Sufficient space is provided on site for the parking of two vehicles, as a result the Highways Authority has raised no objection subject to conditions requiring the access, parking and turning area to be provided within three months of the permission being granted. These will be appended to any forthcoming

approval.

4.0 Conclusion

4.1 In conclusion, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity and would not adversely impact the character and appearance of the surrounding area. The application is therefore recommended for approval

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)
3047A	In accordance with submitted plans NEW 2017
MT02	External materials as approved
PD04	No PD for fences, walls etc
PD07	No PD for classes A B C D & E
HA08	New access - construction over verge
HA24	Provision of parking and servicing - when shown on plan
3962	NOTE: Highway notes attached
4000	Variation of approved plans
3996	Note - Discharge of Conditions
2001	Application Approved Following Revisions
2014	Criterion E - Planning Apps Where Approved